

## **China – Travel Documents**

### **Speaking Points**

- Canada is obligated by law to remove those under removal order from Canada. To do so, a valid travel document is required.
- Canada would like to thank China for issuing travel documents for fugitives so that they can be returned to China. For the non-fugitives, Canada has applied for 1,006 travel documents at the Consulates in Canada (mostly in Toronto and Vancouver), the most of any other country.
- Being able to remove people in a timely manner is important for Canada because it acts as a deterrent for others who may be inadmissible and allows us to maintain the integrity of the immigration system.
- 
- Canada would be pleased to assist China in facilitating the issuance of travel documents.

### **Background**

In 2013, 482 were removed, 409 in 2012, and 375 in 2011. Most removals to China are for persons who already have a travel document. China is very co-operative in issuing travel documents for fugitives.

Applications for travel documents are first approved by China's Ministry of Public Security and then by the Ministry of Foreign Affairs which issues the travel documents at the Embassy and Consulates in Canada.

The CBSA continues to engage China by participating in the annual Canada-China Working Group meeting and ad hoc case management meetings on fugitives.



Canada Border  
Services Agency    Agence des services  
frontaliers du Canada

PROTECTED A / PROTÉGÉ A

CBSA/ASFC-14-\_\_\_\_\_

**ROUTING SLIP/BORDEREAU D'ACHEMINEMENT**

		ACTION REQUIRED/ MESURE REQUISE	
Name and Telephone Number/ Nom et numéro de téléphone	Initials and date/ Initiales et date	Action	Information
<b>Minister/Ministre</b> The Honourable L'honorable Steven Blaney		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>President/Président</b> Luc Portelance		<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>Executive Vice-President/ Premier vice-président</b> Nada Seeman		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Vice-President/ Vice-président</b> Martin Bolduc		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Associate Vice-President/ Vice-président associé</b> Caroline Xavier		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Director General/ Directeur général</b> Geoff Leckey Tel. /Tél. : 948-2094			
<b>Director/Directrice</b> Susan Kramer Tel. /Tél. : 952-2549			
<b>Subject/Objet :</b> China – Request For a Ministerial Meeting with the New Ambassador <b>Action/Mesure :</b> For Approval <b>BF/AR :</b> 2014-07-31  Enclosed is a request for a Ministerial meeting with the new Chinese Ambassador to signal the importance of the timely issuance of travel documents so that inadmissible Chinese nationals can be removed.			



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For action

## MEETING REQUEST WITH CHINA TO DISCUSS TRAVEL DOCUMENTS

For the Minister

### PURPOSE

Your support is requested to request a meeting with His Excellency Zhaohui Luo, Ambassador, Embassy of the People's Republic of China to signal the importance of Canada's international relationship

### ISSUE

Inadmissible Chinese nationals who do not possess the necessary identity documents to facilitate their removal from Canada are growing in number in the removal inventory, currently at 2,092.

### BACKGROUND

In 2013, the CBSA removed 482 Chinese nationals. In 2012, it removed 409 and 375 in 2011. Most removals to China are for persons who already have a travel document. China is very co-operative in issuing travel documents for fugitives.

Applications for travel documents are first approved by China's Ministry of Public Security and then by the Ministry of Foreign Affairs which issues the travel documents at the Embassy and Consulates in Canada.

## STATUS

The CBSA continues to engage China by participating in the annual Canada-China Working Group meeting and ad hoc case management meetings on fugitives.

## NEXT STEPS

It is recommended that you request a meeting with His Excellency Zhaohui Luo, Ambassador, Embassy of the People's Republic of China

The CBSA has prepared speaking notes for ease of reference and they are attached for your review.

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Luc Portelance  
President, Canada Border Services Agency

### Minister's Response:

I approve ☐

I do not approve ☐

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The Honourable Steven Blaney, P.C., Q.C., M.P.

### Attachments:

1. Speaking notes





## **China – Speaking Points**

- I would like to take this opportunity on behalf of Public Safety Canada to welcome you to Canada and I hope you enjoy your stay.
- The relationship between Canada and China is very valuable and we want to continue to support our mutual goals and commitments.
- Our countries work well together and our progress is encouraging
- Being able to remove people in a timely manner is important for Canada because it acts as a deterrent for others who may be inadmissible and allows us to maintain the integrity of the immigration system.
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- Canada would be pleased to assist China in facilitating the issuance of travel documents.



Protected A  
For President's Trip to China  
November 28, 2014

## **TITLE - STATUS OF THE CANADA-CHINA READMISSION ARRANGEMENT**

### **ISSUE:**

The current process is often complicated and lengthy, which has contributed to a growing backlog of Chinese nationals in the CBSA removals inventory.

On September 11, 2014, the CBSA placed a Temporary Duty (TD) officer in Beijing, China, for an initial period of six months. This position's main responsibility is to directly enhance the Agency's capacity to engage key PRC agencies and international partners who have established removal protocols with China. Further, the TD is responsible for drafting and securing, in consultation with Chinese government representatives, a *Canada/China Readmission Arrangement*.

### **EXECUTIVE SUMMARY:**

Over the past three years, the CBSA has sought to establish a *Readmission Arrangement* on removals with the Ministry of Public Security (MPS) of the PRC in order to efficiently obtain travel documents to effect the removal of PRC nationals from Canada. China remains one of the top source countries for irregular migration to Canada.

Currently, the PRC is ranked number one in the CBSA removal inventory, comprising of approximately 2,200 Chinese nationals.

In October 2014, a draft *Readmission Arrangement* was shared with key Chinese government agency representatives. The CBSA TD is currently seeking Chinese Government support for this document.

Five Country Conference and European Union partners have successfully ratified removal memorandums of understanding with China. This level of cooperation has been further augmented by the placement of dedicated removal liaison officers based in China who effectively engage PRC government representatives and facilitate the removal to China of inadmissible persons. As Canada is seeking to secure greater tourism, foreign student enrollment, and business investment with China and as the number of Chinese visitors grows, there will be increasing importance to have a robust and cooperative removal program with China in order to deter irregular migration.

## AGENCY POSITION:

The CBSA is mandated to remove inadmissible foreign nationals in a timely and cost effective manner.

the CBSA is to have a dedicated officer based in Beijing, and fully engaged on the negotiating of a *Readmission Arrangement*. It is the objective of the arrangement to establish agreed upon service standards, and supporting processes, that will support the removal travel document application and issuing process.

The Agency is seeking to work with China MPS

## STAKEHOLDER POSITION:

A key national issue for the Government of the People's Republic of China is the battling of internal corruption, the arrest of economic fugitives, and the seizure of stolen funds or other assets. China has taken an all-of-government approach, with all departments and agencies focused on moving forward this agenda.

Whereas the CBSA is seeking the repatriation of all removal inadmissible Chinese nationals, China is focused on approximately 150 economic fugitives believed to be residing in Canada.

## DESIRED OUTCOME:

The CBSA is seeking to secure a *Readmission Arrangement*, or similar protocol, that would support the timely and cost effective return of inadmissible Chinese nationals.

## SPEAKING POINTS

- The CBSA recognizes the importance of a strong and vibrant relationship with our MPS colleagues, and we will continue to work together to deepen cooperation between our two organizations. A key step will be to secure a *China-Canada Readmission Arrangement* that will facilitate the timely removal of inadmissible Chinese citizens from Canada.
- In order to further engage on the important and challenging issue of returns, including economic fugitives, the CBSA has placed a TD Officer in China, who is currently tasked with working with Chinese partners and to develop viable long term repatriation mechanisms.

- The CBSA has a statutory obligation under Canadian law to enforce removal orders as soon as possible. We place the highest priority on removal cases involving national security, organized crime, crimes against humanity and criminals. However, it must be noted that everyone ordered removed from Canada, including economic fugitives, are entitled to due process before the law and has access to various levels of appeal, including judicial review.
- Canada and China has formally signed the *Customs Mutual Assistance Agreement*, is nearing ratification of the *Return of Seized Assets Agreement*, and is now engaged on the *Canada/China Readmission Arrangement*. The CBSA considers these three documents as overarching evidence of Canada/China collaboration to combat international organized crime.

Prepared/Approved by: Removals Program Section  
Author/Subject Matter Expert: James Martin  
Date Prepared: November 28, 2014



Protected A  
President's Visit to Beijing  
November 28, 2014

## **TITLE: THE 12<sup>th</sup> ANNUAL CANADA/CHINA WORKING GROUP ON LAW ENFORCEMENT**

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### **ISSUE:**

China's scheduled hosting of the 12<sup>th</sup> Annual Canada/China Working Group on Law Enforcement.

### **EXECUTIVE SUMMARY:**

The Canada/China Working Group on Law Enforcement (WG) was established by Elinor Caplan, Minister of Citizenship and Immigration Canada (CIC) and Jia Chun Wang, Minister of Public Security (MPS) for the People's Republic of China (PRC) during meetings held in April 2000 in Beijing. Since then, the WG, attended by representatives from the Canada Border Services Agency (CBSA), and the Royal Canadian Mounted Police (RCMP) has met on an annual basis, alternately between Canada and China.

This WG has been an important venue to communicate with China on issues involving transnational crime, illegal migration and human smuggling. It has also been an opportunity to share best practices, address the increasing trends in human smuggling and trafficking, and to address China's interest in a dialogue on the removal of economic fugitive cases. The 11<sup>th</sup> WG was co-hosted by the RCMP and the CBSA, and held in Vancouver, British Columbia, June 4-6, 2014.

It is anticipated that the 12<sup>th</sup> annual WG will be hosted by China, again providing the CBSA and RCMP representatives an opportunity to meet face-to-face with PRC officials from the regional, national and ministerial levels. Further, this meeting is valuable in ensuring that Canada's interests regarding issues of immigration are not ignored and that the progress continues on improving our shared interests and relationship.

### **AGENCY POSITION:**

The CBSA supports the continuation of the WG, and recognizes the value having opportunities to exchange information and best practices.

### **STAKEHOLDER POSITION:**

China, and specifically the MPS, are fully supportive of the WG. Currently the Government of China is seeking to promote greater transparency of its organization and activities, and the WG provides another platform in support of this effort.

## **DESIRED OUTCOME:**

The CBSA looks forward to the continuation of the WG, and looks forward to working with China to prepare for the 12<sup>th</sup> annual meeting.

## **SPEAKING POINTS**

- The CBSA appreciates China's continued commitment to the WG, and views the exchange of ideas and best practices as important for all participants.
- Given the challenges facing both Canada and China by transnational crime, human trafficking, and terrorism, the WG provides an effective venue for developing joint cooperative strategies for addressing these issues.

Prepared/Approved by: Removals Program Section  
Author/Subject Matter Expert: James Martin  
Date Prepared: November 28, 2014



Protected A  
For President's Trip to China  
November 28, 2014

## **TITLE – CHINESE ECONOMIC FUGITIVES**

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### **ISSUE:**

The Government of the People's Republic of China has launched an expansive campaign to combat internal corruption within government departments and state owned enterprises. Included in this campaign are efforts by the Government of China to secure the return of identified economic fugitives, accused of embezzlement of large sums of state funds, and who have fled overseas.

### **EXECUTIVE SUMMARY:**

The China Communist Party yearly gathering of all of the 205 Central Committee Members, referred to as the Plenum, is recognized as a key internal government meeting. The event establishes the platform for the Government and the Party for the coming year.

Since being elected as national president of China in 2013, President Xi Jinping, has instituted an overarching government program targeting corruption and graft within China. The central government has tasked key government enforcement mandated ministries with engaging international partners in an effort to identify and repatriate Chinese economic fugitives abroad, and seize their assets. China is strongly advocating the use of existing United Nations anti-corruption, money laundering and counter terrorism treaty's as a means of facilitating broad information sharing and enforcement cooperation on the Chinese economic fugitive issue.

China has launched official national anti-graft campaigns, such as *Operation Foxhound*, which tasks government agencies with engaging international partners, and governments, to secure the repatriation of economic fugitives. In mid-November 2014, China media has reported that over 250 economic fugitives have been returned to China. In addition the Chinese Department of Justice have offered incentives, such as reduced prison sentences, in exchange for voluntary return to China and forfeiture of assets.

The Government of China, the media and the general public now identify Canada as the most popular destination for economic fugitives.

### **AGENCY POSITION:**

The repatriation of Chinese economic fugitive's is challenging issue for the CBSA, best demonstrated by the Lai Changxing case, which took approximately 10 years to resolve. The Government of China effectively incorporates a whole-of-government approach that results in China raising the repatriation issue at most meetings or other liaison opportunities.

It is the position of the Agency that it is prepared to work with China on the issue of fugitives, within the boundaries permitted by law and information sharing. The Agency is prepared to accept information from China on individuals, conduct comprehensive reviews of these persons, and where legally possible share information with Chinese counterparts.

The CBSA remains of the view that it is the responsibility of China to assist in the timely removal of all inadmissible Chinese nationals, including economic fugitives, through the prompt issuance of travel documents.

#### **STAKEHOLDER POSITION:**

Chinese enforcement partners are under significant pressure from their central government to demonstrate success in identification, apprehension, and repatriation of economic fugitives. This has resulted in Canada, and other governments, being pressured by China to cooperate on this issue.

While the CBSA is seeking to secure a *Readmission Arrangement*, Chinese interlocutors are wholly focused on securing a broad overarching extradition treaty that would result in the immediate return of Chinese economic fugitives upon request. China's views on how an extradition treaty may work do not appear to be based on current common law, but on a belief that existing Canadian legislative protections can be suspended, and identified persons would be immediately returned to China upon request. The term "extradition" is introduced by China during all discussions held that include the topic of Chinese economic fugitives and desired repatriation.

#### **DESIRED OUTCOME:**

The CBSA is prepared to work with China on the issue of economic fugitives, as allowed under current legal parameter's, and as part of the broader objective to secure cooperation to facilitate the return of all inadmissible Chinese nationals awaiting removal from Canada.

#### **SPEAKING POINTS**

- Canada and China continue to cooperate on the issue of repatriation and Canada is committed to the removal of all Chinese nationals who are inadmissible to Canada as soon as possible.
- Canada is confident that existing legislation, such as the Immigration and Refugee Protection Act (IRPA), is an effective tool for denying inadmissible Chinese nationals, including economic fugitives, from remaining in Canada. At this time Canada is not preparing to enter into negotiations for an extradition treaty.
- The CBSA is prepared to work with China to share, where legally permitted, information on economic fugitives, and to conduct thorough investigations into potential inadmissible persons residing in Canada.



Prepared/Approved by: Removals Program Section  
Author/Subject Matter Expert: James Martin  
Date Prepared: November 28, 2014



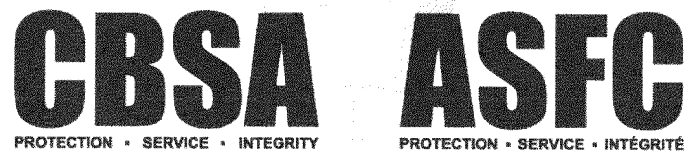
## Proposed Readmission Arrangement

- For many years, the Canada Border Services Agency (CBSA) has sought opportunities to work closely with the People's Republic of China (PRC) to facilitate the timely removal of inadmissible Chinese nationals from Canada.
- The current administrative process for presenting travel document applications, verifying identity, and repatriating inadmissible Chinese nationals can be complicated and lengthy, which has contributed to a growing backlog of Chinese nationals in the CBSA removals inventory.
- Currently, the PRC is ranked number one in the CBSA removal inventory, comprised of approximately 2120 Chinese nationals. The CBSA has benefited from direct engagement opportunities with Chinese counterparts through such forums as the Canada-China Enforcement Working Group and the CBSA Overseas Liaison Network, but to date there has been limited success in resolving the removal travel document issue.
- In an effort to secure a mutually beneficial solution the CBSA is seeking to jointly draft a readmission arrangement that would establish document issuance service standards, as well as potentially address areas of specific concern identified by China.



## Placement of a CBSA Temporary Duty Officer in Beijing

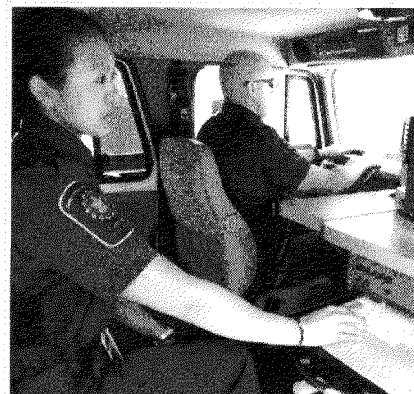
- The CBSA, Enforcement and Intelligence Programs Directorate (EIPD) placed, in Beijing, a Temporary Duty (TD) officer for a period of six months. The position's main responsibilities will be to directly enhance the CBSA's capacity to engage key PRC agencies and international partners who have established removal protocols with China, such as Five Country Conference members and Beijing based European Union contacts, in order to secure a long-term readmission arrangement, thereby increasing the number of PRC removals from Canada.
- Discussions concerning the TD position were held between the EIPD with the PRC Ministry of Public Security, the PRC Ministry of Foreign Affairs and PRC Embassy (Ottawa) representatives. The PRC representatives responded positively, and confirmed that the TD initiative was a tangible demonstration of the CBSA's commitment to work with China to draft a readmission arrangement that addresses each countries objectives on the challenging issue of removal and repatriation.



# Canada Border Services Agency 加拿大边境服务署

CBSA Liaison Officer Beijing  
CBSA北京联络官

*Vancouver, June 2014*



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada

Canada

**CBSA ASFC**

**Minister for Public Safety and Emergency Preparedness Canada**

**加拿大公共安全和紧急防备部长**

**Royal  
Canadian  
Mounted  
Police**

**加拿大皇家骑警**

**Canadian  
Security  
Intelligence  
Service**

**加拿大安全  
情报局**

**Canada  
Border  
Services  
Agency**

**加拿大边境服  
务署**

**Correctional  
Service of  
Canada**

**加拿大惩教署**

**National  
Parole  
Board**

**加拿大假释  
委员会**

**Canada  
Firearms  
Centre**

**加拿大武器  
管理中心**

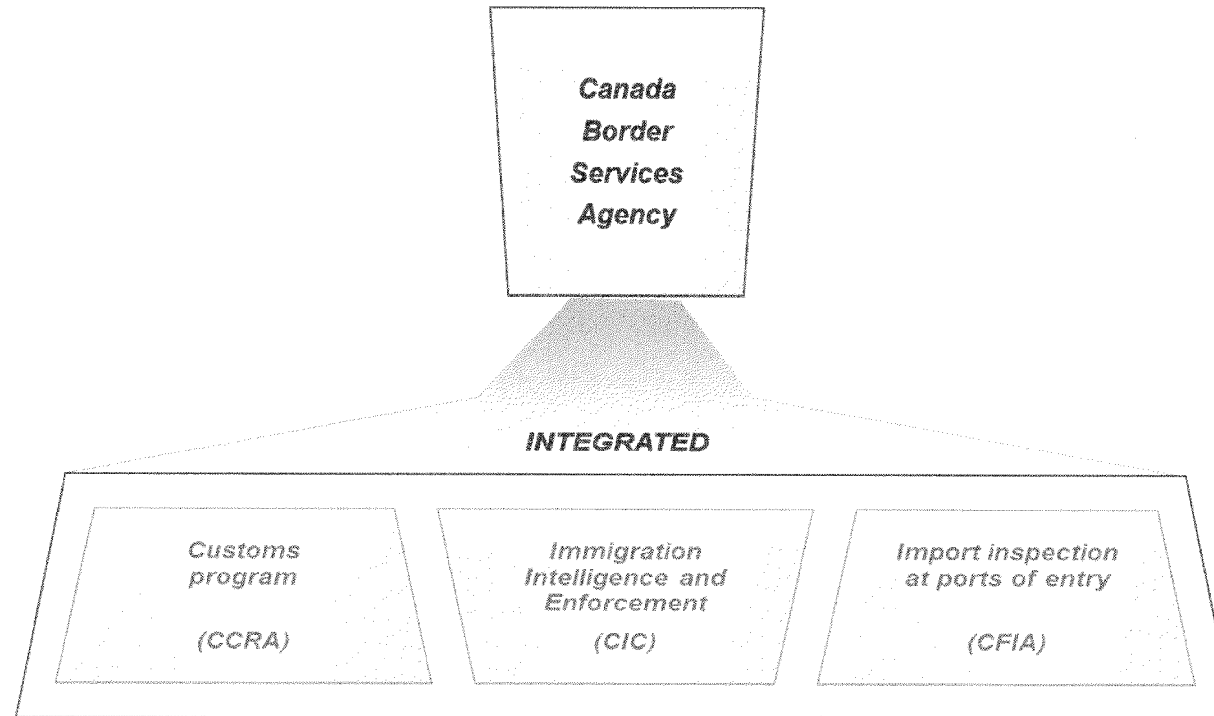
**An integrated border agency that is recognized for service  
excellence in ensuring Canada's security and prosperity**

**综合的边境体系为确保加拿大的安全和繁荣提供卓越服务**

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**CBSA ASFC**

## Benefits of Integration Within CBSA 与CBSA整合的益处



***The CBSA integrates several key functions previously spread among the Canada Customs and Revenue Agency, Citizenship and Immigration Canada, and the Canadian Food Inspection Agency***

***CBSA 将之前分属于加拿大海关税务署、加拿大公民身份和移民部以及加拿大食品检验局下的若干关键职责进行整合***

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## **Canada Border Services Agency Overview** **加拿大边境服务署概览**

- **13,000 employees (7,200 uniformed officers); 13,000名雇员 (7,200制服官员)**
- **1,200 points across Canada and 49 international locations; 1,200个加拿大境内站点, 49个国际站点**
- **119 land-border crossings; 119个陆地边境站点**
- **13 international airports; 13个国际机场站点**
- **Marine operations at major ports and marinas; 主要港口码头的海上站点**
- **27 rail sites; 27个铁路站点**
- **3 international mail processing centres. 3个国际邮件受理中心**
- **68 CBSA Liaison Officers overseas 68名海外CBSA联络官**

**CBSA ASFC**

## **CBSA Liaison Officers, PRC** **中国CBSA联络官**

- 1 CBSA LO Beijing 北京1名
- 1 CBSA LO in Shanghai 上海1名
- 2 CBSA LO's in Hong Kong 香港2名
- 1 CBSA LO in Guangzhou 广州1名



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**CBSA ASFC**

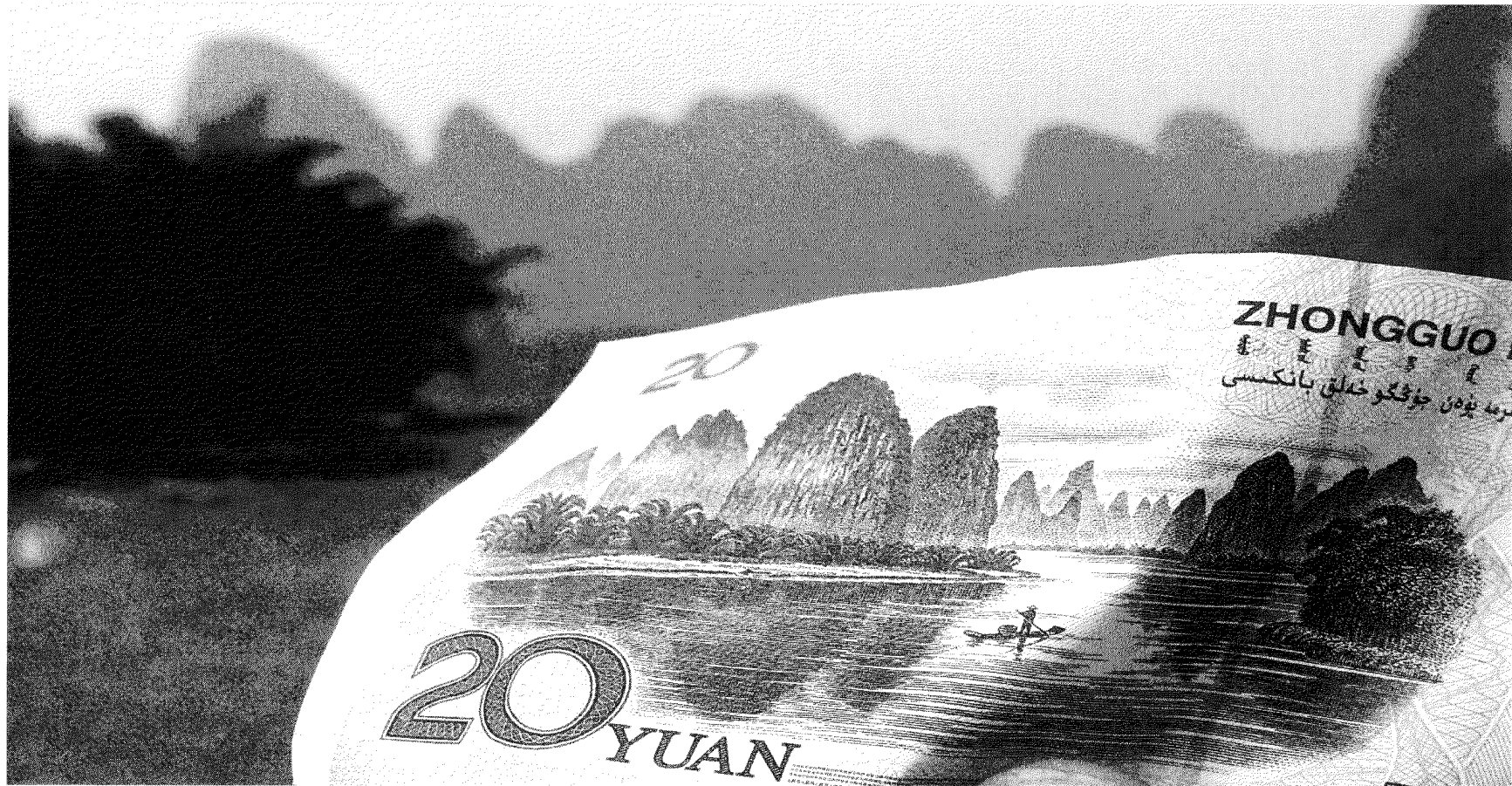
# Beautiful China 美丽的中国



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**CBSA ASFC**

# Amazing China 迷人的中国



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**CBSA ASFC**

# Change in China 中国的变化



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Cooperation is essential 合作是关键

**CBSA ASFC**

## **Cooperation is essential 合作是关键**

- Canada processed over 300,000 temporary resident applications in China in 2013  
2013年在中国受理了超过三万个临时居民访问签证申请
- In 2014 the application intake rate continues to grow  
2014年的申请接受量持续上升
- The Embassy of Canada continues to streamline process to allow for efficient and fast case processing  
加拿大驻华使馆继续简化申请程序以加快申请受理进度

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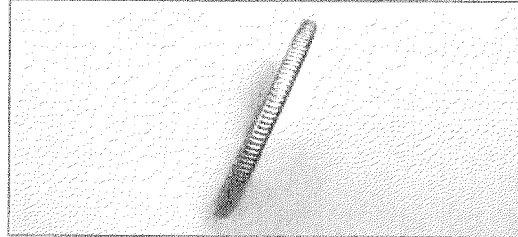
**Facilitation  
便利**



***Uphold Canadian values of  
respect for privacy and  
human rights 秉持加拿大尊重  
隐私和人权的价值观***

***Open the “front door” wider  
to immigrants, skilled  
workers, and the  
investment and trade  
opportunities we want to  
attract 向移民、技术劳工以及  
投资和贸易商机敞开大门，吸  
引更多***

***Two sides of  
the same coin  
两面性***



***Facilitation and  
enforcement are not  
mutually exclusive,  
but essential and  
interdependent***

***便利和执法非相互排  
斥，同样重要并相互依  
赖***

**Enforcement  
执法**



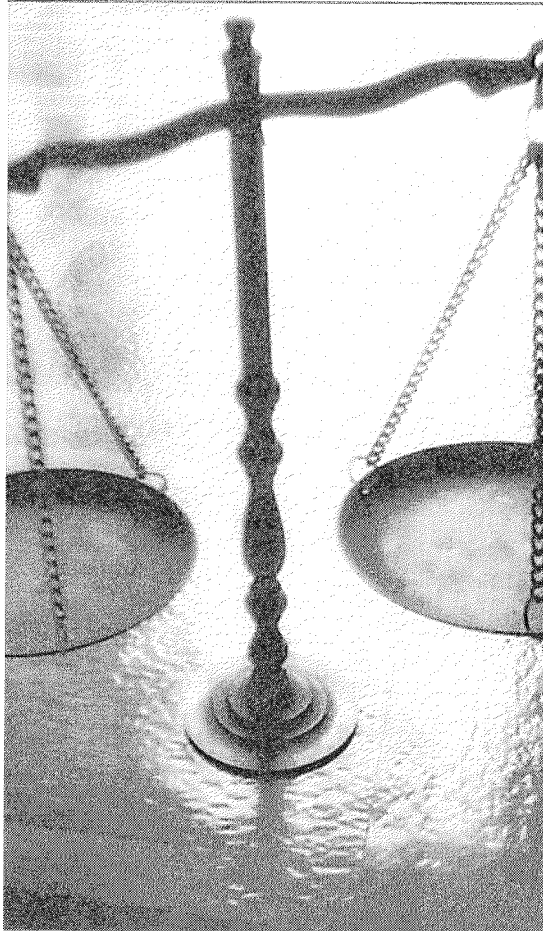
***Maintain vigilance in  
securing our border points  
of entry and in addressing  
threats to public health and  
safety 确保边境入境站点安全  
和排除威胁公共健康和安全上  
保持警惕、***

***Close the “back door” to  
those who threaten our  
security or abuse our  
system 严防威胁安全或滥用  
体系的非法行为***

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## **Enforcement Activities 执法行动**

### **ENFORCEMENT**



***CBSA enforcement activities utilise risk management framework that identifies threats and manages risks away from our border, not only to protect the public but also to enhance trade***

***International co-operation, domestic partnerships and sharing of information are key to:***

***利用风险管理框架辨识威胁并将风险阻于境外，不仅保护公众并能加强国际合作和境内合作、信息分享是以下之关键***

- ❖ *Control movement of people and goods toward Canada 管控前往加拿大的人员和货物***
- ❖ *Control the entry of people and goods into Canada 管控进入加拿大的人员和货物***
- ❖ *Establish controls inside Canada 在加境内建立管控机制***

## CBSA LO Beijing 北京CBSA联络官

- The Beijing LO is responsible for the DPRK, Mongolia and all provinces in China except:  
北京联络官负责朝鲜、蒙古和中国除下述以外的所有省
- LO Guangzhou covers Guangdong, Fujian and Hainan provinces and Guangxi Zhuang Autonomous Region,  
广州联络官负责广东、福建、海南和广西壮族自治区
- LO Shanghai covers Jiangsu, Anhui and Zhejiang provinces.  
上海联络官负责江苏、安徽和浙江省

**CBSA ASFC**

## Busy Beijing 繁忙的北京



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## **International 国际**

- Member of the China Immigration International Liaison Team ( CIILT) 驻华移民联络官工作组( CIILT)成员
- Capacity building and interdiction for Airlines in Beijing, Shenyang, Chengdu and other airports 北京、沈阳、成都和其他机场航空公司的能力建设
- Air China, Air Canada, Sichuan Airlines and Hainan Airlines 国航, 加行, 川航和海南航空
- Some cooperation with the Bureau of Entry and Exit Administration 与出入境管理局之间的一些合作

## **Removals 遣返**

- There are on average 20 removals per month. 每月平均20例遣返
- Some removals are complex because they involve economic fugitives or identity. 一些遣返因涉及经济犯罪或身份问题而更为复杂
- CBSA and MPS are resolved to establish an MOU for Removals. CBSA和公安部决意为遣返达成谅解备忘录

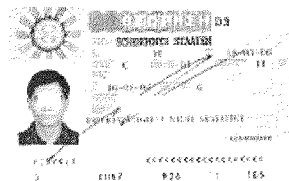
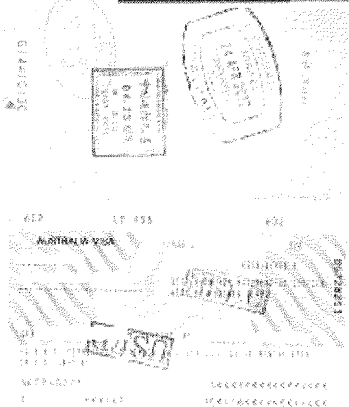
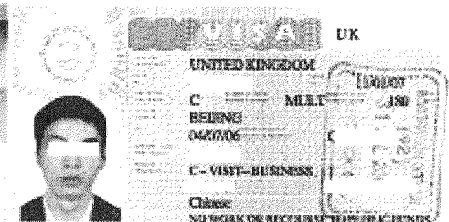
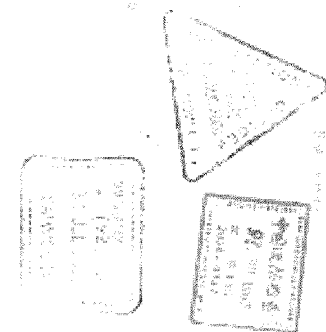
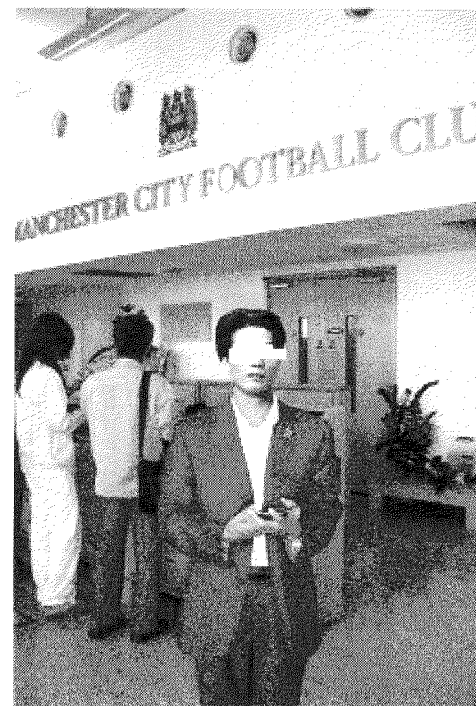
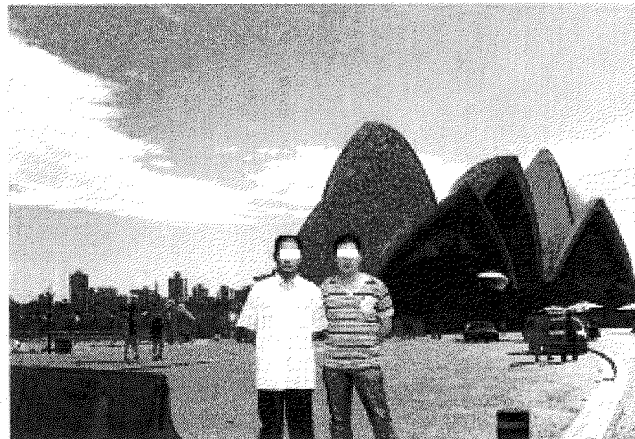
## **Application fraud 申请欺诈**

- Work with like- minded Embassies – multinational antifraud group 40 countries to counter fraud 与有共识使馆合作 – 联合40个国家多国共同反欺诈
- Organized application fraud is increasing 有组织申请欺诈在增长
- Counterfeit documents are increasingly sophisticated 伪造文件越来越狡猾
- Some applicants seeking visa for a safe haven 一些申请人获取签证为庇护所

# Fraud in the Visa Process by Chinese Nationals 受理中国公民签证中的欺诈行为

**CBSA ASFC**

- Fraudulent proof of previous travel example of case in Beijing: 伪造的之前旅行证明
- Fraudulent visas, stamps and souvenir photos. 伪造的签证、印章和纪念照



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## **Investigations and Info sharing 调查和信息共享**

- LO is tasked by various inland CBSA offices to obtain background information related to inland investigations  
联络官受国内各CBSA办公室指令、获取与国内调查相关的背景信息
- LO works closely with MPS to resolve these issues or obtain critical information. 联络官与公安部紧密合作解决各项事宜或获取决定性信息
- LO assists MPS to obtain information on various issues  
联络官协助公安部获取各种事宜的信息

## **Multinational Collaboration 多国合作**

- LO is an active member of the Foreign Law Enforcement Community in China (FLECC) 联络官是驻华警联FLECC的积极成员
- A forum to exchange info. Issues range from human smuggling to pre-cursor chemicals. 信息交换平台，事宜从人口走私到易制毒化学品
- Field trips with various host Government Ministries outside of Beijing. 在北京以外与当地政府部门进行实地考察

**CBSA ASFC**

## **Customs Attaché Club of China (CAC)** **海关专员俱乐部**

- Since September 2012, the LO has been a member of the Customs Attaché Club of China (CAC) 自2012年9月 联络官成为海关专员俱乐部(CAC)成员
- 39 countries now belong to this active group. 现有39个国家
- CBSA developing a Customs Mutual Assistance Agreement (CMAA) with GACC. CBSA与海关总署 (GACC)发展海关互助协定(CMAA)

## **Liaison with PRC Government 与中国政府**

- Most important is the MPS 公安部是最重要合作伙伴
- Relationship is strengthening, more issues are being discussed and resolved. 合作关系在加强, 讨论解决更多事宜
- General Administration for China Customs is a valuable and with a CMAA bilateral projects will significantly increase. 与海关总署的海关互助协定将使双边项目显著增加
- Customs (GACC) and Entry and Exit Bureau (E and E) at PEK. 北京的海关总署和出入境管理局



## **Improvements 改善**

- More cooperation in the regions to better combat human smuggling and fraud. Need to verify civil and commercial documentation 地区内更多合作、更有力打击人口走私和欺诈，需要核实民事和商业文件
- Early information on possible economic fugitive cases. 经济逃犯案例的早期信息
- Improve cooperation with BEEA 加强与出入境管理局合作
- Removals MOU 遣返谅解备忘录
- CMAA 海关互助协定

**CBSA ASFC**

*William Hetherington* 贺立威

CBSA Liaison Officer | Agent de liaison ASFC

Embassy of Canada  
Beijing, people's Republic of China

加拿大驻华使馆CBSA联络官



Canada Border  
Services Agency

Agence des services  
frontaliers du Canada

PROTECTION • SERVICE • INTEGRITY



Canada Border Services Agency    Agence des services frontaliers du Canada

President    Président

Ottawa, Canada  
K1A 0L8

Mr. Bob Paulson  
Commissioner  
Royal Canadian Mounted Police  
Headquarters Building  
73 Leikin Drive  
Ottawa Ontario  
K1A 0R2

Dear Commissioner Paulson:

I am writing in regards to the 11<sup>th</sup>-annual Canada-China Working Group on Law Enforcement, which is scheduled for June 4-6, 2014, in Vancouver, British Columbia.

This forum offers a unique opportunity for the Canada Border Services Agency (CBSA) and the Royal Canada Mounted Police (RCMP) to co-operatively engage representatives from the People's Republic of China on matters of mutual interest and concern.

I have been advised by my management team that you have offered to represent our respective agencies, to brief the Minister of Public Safety and Emergency Preparedness and seek his endorsement to host and allocate resources for this event. The CBSA appreciates your efforts to bring this meeting to fruition, and I am pleased to offer my assistance should you require it during discussions with the Minister's Office.

It is my understanding that our respective officials have drafted a projected cost analysis for hosting this meeting, and that the RCMP is seeking the CBSA's confirmation that we are prepared to share responsibility for funding the working group. The costs that our respective agencies will jointly undertake will **include those for venue, audio and visual contracting, health break refreshments, two Public Works and Government Services Canada-certified interpreters, and the hosting of a formal dinner**. Pending approval by the Minister of Public Safety and Emergency Preparedness to proceed with this event, the CBSA will assume an equal share of expenditures.

.../2

Canada

- 2 -

Thank you for your efforts in this matter. I am confident that the 11<sup>th</sup>-annual Canada-China Working Group on Law Enforcement will be a positive step towards enhancing our working relationship with China.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Luc Portelance', is written above the printed name.

Luc Portelance

<p align="center">Name of the Event: Canada-China Working Group  Date of Event: June 16/17th, 2014  CCM # : 14-001147  <b>Expense Break Down</b></p>					
Total Number of Attendees:	27				
Government Employees (Executives) :	2				
Government Employees (Non-Executives):	10				
Non-Government Employees:	15				
	Rate	# of attendees	# of Days	Expense	TOTAL
<b>Travel Costs for Executives</b>					\$ 8,544.78
<b>Transportation</b>					
Air/rail		2		\$3,200.00	\$ 6,400.00
Taxi		2	2	\$ 50.00	\$ 200.00
<b>Accommodations</b>		2	3	\$ 227.18	\$ 1,363.08
<b>Meals</b>					
Breakfast		2	4	\$ 15.95	\$ 127.60
Lunch		2	2	\$ 15.25	\$ 61.00
Dinner		2	3	\$ 42.45	\$ 254.70
Incidental		2	4	\$ 17.30	\$ 138.40
<b>Travel Costs for Non-Executives</b>					\$ 20,579.12
<b>Transportation</b>					
Air/rail		8		\$1,500.00	\$ 12,000.00
Taxi		8	2	\$ 50.00	\$ 800.00
<b>Accommodations</b>		8	3	\$ 227.18	\$ 5,452.32
<b>Meals</b>					
Breakfast		8	4	\$ 15.95	\$ 510.40
Lunch		8	2	\$ 15.25	\$ 244.00
Dinner		8	3	\$ 42.45	\$ 1,018.80
Incidental		8	4	\$ 17.30	\$ 553.60
<b>Hospitality Costs (including Taxes &amp; Gratuities)</b>					\$ 9,647.87
Refreshments AM		27	2	\$ 11.96	\$ 645.84
Refreshments PM		27	2	\$ 11.96	\$ 645.84
Lunch		27	2	\$ 45.75	\$ 2,470.50
Dinner (including Alcohol)		27	1	\$ 111.43	\$ 3,008.61
Local Transportation for delegates				\$2,000.00	\$ 2,000.00
Contingency - 10%					\$ 877.08
<b>Other related Expenses</b>					\$ 8,698.39
<b>Audio/Visual Services Rentals</b>			2	\$1,260.00	\$ 2,520.00
<b>Gifts for Delegates (Police Community Relations)</b>		15		\$ 900.00	\$ 900.00
<b>Meeting Room Cost</b>			2	\$ 920.00	\$ 1,840.00
<b>Miscellaneous Expenses - 10%</b>					\$ 3,438.39
<b>Total Estimated Event Costs</b>					\$ 47,470.16
<p><b>Note: Alcohol cost per person (2 glasses) = \$30</b>  <b>Total alcohol cost for 27 participants is estimated at \$810, which is included in the dinner meal rate</b></p>					



14-001147

## ADVANCE AUTHORIZATION TO EXTEND HOSPITALITY

## AUTORISATION PRÉALABLE D'UNE ACTIVITÉ D'ACCUEIL

FMM 9.3

Chap. 9.3 du MGF

Employee's Name (Host) Nom de l'employé (Hôte) <b>Yves Goupil</b>			Branch/Department/Section/Unit Service/Sous-direction/Détachement/Section/Groupe <b>ILCC - International Liaison Coordination Center</b>		
Budget Holder Détenant du budget		Name Nom <b>Yves Goupil</b>	Rank Grade <b>Supt</b>	Position Poste <b>Director</b>	
Type of Function - Genre d'activité <b>Canada-China Workshop</b>			Place of Function - Lieu de l'activité <b>Vancouver</b>		Function Date - Date de l'activité From: Du <b>2014-06-16</b> To: Au <b>2014-06-17</b>
Number in Attendance - Nombre de participants			Maximum Estimated Hospitality Component Cost inclu des taxes & gratuités Coût estimatif maximum de l'élément d'accueil (taxes et pourboires compris) <b>\$9,755.41</b>		
Govt of Canada Gouv du Canada	Other Autres	Total	Total Estimated Function Cost Coût estimatif total de l'activité <b>\$47,538.13</b>		
12	15	27	<b>\$47,470</b>		
Cost center Centre de coût <b>N1080</b>					

Purpose and Justification of Hospitality - Objet et justification de l'activité d'accueil

The RCMP and CBSA will be co-hosting a Canada/China Working Group over a two day period from June 16th until June 17th, 2014. Costs of this working group meeting will be shared with CBSA.

This will mark the 11th meeting of the working group since its inception in 2000. The purpose of the working group is to discuss and address mutual concerns pertaining to transnational crimes, illegal migration and human smuggling.

The working group will total approximately 27 participants including representation from the RCMP, CBSA, the Chinese Ministry of Public Security, and 2 PWGSC contract interpreters.

Hospitality authorization is requested to cover the costs associated to health breaks, lunches and one Canadian hosted formal dinner (including transportation) over the two day period of the working group activities.

We are requesting your support to write the Minister of Public Safety seeking hospitality approval including the provision of alcoholic beverages during the dinner as per protocol and customary tradition with the Chinese delegation.

I hereby request authorization to extend hospitality as stated above, in accordance with Treasury Board policy and guidelines on hospitality. Signature		Je demande par la présente l'autorisation d'organiser l'activité d'accueil susmentionnée conformément à la politique et aux lignes directrices du Conseil du Trésor sur l'accueil. Date	
Recommended by - Recommandé par		Signature	
Approved by Authorizing Officer - Section 32 FAA Approuvé par l'officier/agent approuvateur - article 32 de la L.G.P. <b>A/Commr. Todd Shean, ILCC</b>		Signature <b>2014-04-29</b>	
Deputy Commissioner responsible (request over \$1500) Sous-commissaire responsable (casus dans le cas de frais d'accueil de plus de 1500 \$) <b>D/Commr. Mike Cabana</b>		Signature <b>2014-04-30</b>	
CFAO (request over \$1500) DPFA (demande de plus de 1500 \$) <b>CFAO</b>		Signature <b>2014-5-21</b>	
Commissioner (request over \$1500) Commissaire (demande de plus de 1500 \$) <b>Commissioner Bob Paulson</b>		Signature <b>2014-05-22</b>	
Minister (request over \$5000) Ministre (demande de plus de 5000 \$) <b>The Honourable Steven Blaney</b>		Signature <b>June 17/14</b>	

RCMP GRC 2805 (2008-10)

ADVANCE AUTHORIZATION TO EXTEND HOSPITALITY

AUTORISATION PRÉALABLE D'UNE ACTIVITÉ D'ACCUEIL

Cost Break Down (Provide detailed cost breakdowns include courtesy gifts, reception room rental and entertainment, as well as the number of recipients and the cost per person for each meal and refreshment.) See FMM Appendix 9.3-1  
Ventilation des coûts (Fournir une ventilation détaillée des coûts, notamment les coûts liés aux cadeaux, à la location de la salle de réception et aux divertissements, et indiquer le nombre de bénéficiaires et le coût par personne pour chaque repas et rafraîchissement.) Se référer à l'annexe 9.3-1 du MGF

Cost Break Down Details - Détails de la ventilation des coûts	Cost - Coût
<b>2014-06-16</b>	
Morning health break (refreshments to include coffee, tea and assorted danishes, fruit juice) \$11.96 (taxes & Gratuities included) \$11.96 x 27 attendees This gathering is conducive to keeping the delegates together in order to provide networking availability to build external relationships that will prove beneficial for future endeavors	\$322.92
Working lunch (sandwiches, garden salad and assorted dessert, soft drinks, tea and coffee) Working lunch at hotel \$45.75(gratuities & taxes included) \$45.75 x 27	\$1235.25
Afternoon health break (coffee, tea, fruit juice, cookies and fresh fruit) Standard cost per person \$11.96(taxes & Gratuities included) \$11.96 x 27 attendees	\$322.92
RCMP and CBSA co hosted dinner. Venues that are being considered will be in the downtown area. We are seeking the maximum amount which will include taxes and gratuities and alcoholic beverages. \$111.43 X 27 attendees	\$3008.61
Transportation to off site dinner	\$2000.00
<b>2014-06-17</b>	
Morning health break (refreshments to include coffee, tea and assorted danishes, fruit juice) \$11.96 (taxes & Gratuities included) \$11.96 x 27 attendees This gathering is conducive to keeping the delegates together in order to provide networking availability to build external relationships that will prove beneficial for future endeavors	\$322.92
Working lunch (sandwiches, garden salad and assorted dessert, soft drinks, tea and coffee) Working lunch at hotel \$45.75(gratuities & taxes included) \$45.75 x 27	\$1235.25
Afternoon health break (coffee, tea, fruit juice, cookies and fresh fruit) Standard cost per person \$11.96(taxes & Gratuities included) \$11.96 x 27 attendees	\$322.92
10% Contingency	\$984.62
Taxes and Gratuities - Taxes et pourboires	
Total	<b>\$9755.41</b>

RCMP GRC 2805 (2008-10)





Cost Breakdown for Canada-China Workshop

Item	Cost	Notes
Meeting Space Cost - \$800.00 per day x 2 days (taxes included)	1,640.00	
Audio/Visual Services - \$1,260.00 per day x 2 days (taxes included)	2,520.00	
1 gift for Head of Chinese Delegation (Police Community Relations)	200.00	
1 gift for 14 Chinese delegates (Police community relations) - \$50.00 each	700.00	
Flight Costs for delegates of RCMP & CRSA - 8 people x \$1,500, 2 x \$3,200	18,400.00	
Taxi Costs estimated	1,000.00	
Meals & Incidentals - Travel Day June 15 - 10 people x \$90.95	909.50	
Meals & Incidentals - June 16 - 10 people x \$33.25 (Dinner & Lunch included)	332.50	
June 17, 2014 - 10 people x \$75.70 (lunch included)	757.00	
Meals & Incidentals - June 18 - Departure day - 10 people x \$90.95	909.50	
Accommodations - \$227.18 x 10 people x 3 nights (taxes included)	6,815.40	
Miscellaneous Expenses - 10%	<del>2,495.82</del>	
Hospitality Expenses	<del>9,766.41</del>	
Total Cost for Event	<del>47,828.12</del>	

\$9,647.87 \$3438.39  
includes transportation for offsite meeting

\$47,470.16

dinner + contingency 10%

Hospitality = \$9,647.87  
Non-hospitality = \$37,822.29  
Total event cost = \$47,470.16

Name of the Event: Canada-China Working Group					
Date of Event: June 16/17th, 2014					
CCM # : 14-001147					
Expense Break Down					
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Dinner (including Alcohol)		27	1	\$ 111.43	\$ 3,008.61
Local Transportation for delegates				\$2,000.00	\$ 2,000.00
Contingency - 10%					\$ 877.08
Other related Expenses					\$ 6,858.39
Audio/Visual Services Rentals			2	\$1,260.00	\$ 2,520.00
Gifts for Delegates (Police Community Relations)		15		\$ 900.00	\$ 900.00
Miscellaneous Expenses - 10%					\$ 3,438.39
Total Estimated Event Costs					\$ 47,470.16

## Treasury Board Hospitality Matrix for Meal Rates

This template is based on TB Hospitality Rates as of *April 1st, 2014*.

Food and Beverages	TB Meal Allowance	Standard Cost Per Person	Maximum Cost Per Person
Breakfast	\$15.95	\$23.93	\$35.89
Refreshments**	N/A	\$7.98	\$11.96
Lunch	\$15.25	\$30.50	\$45.75
Reception	N/A	\$31.90	\$47.85
Dinner	\$42.45	\$74.29	\$111.43

*\*Approval for hospitality costs exceeding the **standard cost per person** will be on a case by case basis, and only in exceptional circumstances.*

*\*\*Refreshment is the total amount per serving.*

**Please note: Taxes and gratuities are included in the above rates.**

**Alcohol will be served during this workshop.**

Cost of Refreshments = \$ **11.96** per person, which is the maximum cost per person as per the above TB Matrix.

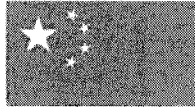
Cost of Lunch = \$ **45.75** per person, which is the maximum cost per person as per the above TB Matrix.

Cost of Dinner = \$ **111.43** per person, which is the maximum cost per person as per the above TB Matrix.

*A contingency of 10% has been added for unforeseen costs*

# Delegates

## CHINA



Mr. YANG, Shao Wen

Deputy Director General, International Cooperation Department, Ministry of  
Public Security (MPS)

Ms. WAN, Ling

Deputy Director, Second Security Investigation Division, Economic Crime  
Investigation Department, MPS

Mr. LIU, Jie

Deputy Director, Assault Cases Investigation Division, Criminal Investigation  
Department, MPS

Ms. YANG, Xiao Yan

Deputy Director, Division of Exit-&-Entry Administration of Chinese Citizens, Exit-  
&-Entry Administration Department, MPS

Ms. YU, Yang

Deputy Director, Case Investigation Division, Cyber Security Protection  
Department, MPS

Mr. WANG, Li Qiang

Deputy Director, Division of American & Oceanian Affairs, International  
Cooperation Department, MPS

Ms. XIAO, Ying Xia

Deputy Director, Demand Reduction Division, Narcotics Control Department,  
MPS

Mr. ZHENG, Ce

Desk Officer, Division of American & Oceanic Affairs, International Cooperation  
Department, MPS, interpreter of Chinese delegation

Mr. WU, Mian

Second Secretary, Division of European, American & Oceanian Consular Affairs,  
Consular Department, Ministry of Foreign Affairs

Mr. WANG, Chuan Qi, Police Counselor Embassy of China in Ottawa

Mr. LIU, Zeng Quan, First Secretary from MPS Liaison office, Embassy of China in  
Ottawa

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Canada



CBSA

Lesley Soper – A/Director General Enforcement and Intelligence Programs  
Directorate (EIPD)

Susan Kramer - Director – Case Management – Enforcement and Intelligence  
Operations Directorate (EIOD)

James Martin – Senior Program Advisor Removals Unit, Transformation Division,  
Enforcement and Intelligence Programs Directorate (EIPD)

William Heatherington CBSA Liaison Officer, Beijing, China – CBSA International  
Region

Richard Dvorski – Manager, Removals Unit, Transformation Division,  
Enforcement and Intelligence Programs Directorate (EIPD)

Yvette-Monique Gray, Director- Director Enforcement and Intelligence Division,  
CBSA ,PAC Region

Roslyn H. MacVicar, Regional Director General, CBSA Pacific Region

Karen Manhas, Regional Program Advisor CBSA PAC Region

George Morris, - Acting Assistant Director, Investigations and Removals CBSA  
PAC Region

Adam Perzow, Acting Manager Regional Programs, Criminal Removals CBSA  
PAC Region

Darrel Brain, Manager Regional Programs, Non-Criminal Removals CBSA PAC  
Region

Arsalan Mahmood, Acting Manager, Immigration Investigations CBSA PAC  
Region

Keith Mechler, Acting Supervisor, Immigration Investigations CBSA PAC Region

Stephanie Cordina, Acting Assistant Director, Hearings and Detentions CBSA  
PAC Region

Kamal Gill, Acting Manager Regional Programs, National Security Unit CBSA

PAC Region

Randal Hyland, Hearings Officer CBSA PAC Region

Becky Chan, Hearings Officer CBSA PAC Region

Renee Wyslouzil, Hearings Officer CBSA PAC Region

#### RCMP

Todd Shean – Assistant Commissioner Federal Policing Special Services

Yves Goupil – Director of International Liaison Coordination Center

Alexander Mills - RCMP Liaison Officer Beijing

Monique Gauvreau - RCMP National Advisor, International Events, Visits & Protocol  
Section

Taunya Goguen - Manager International Policing, Strategic Policy

Sergio Pasin - OIC Behavioural Sciences and International Operations, RCMP -  
Canadian Police Centre for Missing and Exploited Children/ Behavioural Sciences  
Branch (CPCMEC/BSB)

Luc Chicoine – National Drug Program Coordinator

Sue MacLean – National Counterfeit Coordinator





Canada Border  
Services Agency

Agence des services  
frontaliers du Canada



## 5th Judicial and Law Enforcement Cooperation Consultations

PROTECTION

SERVICE

INTEGRITY

### Developing a Readmission Arrangement 商定返国再入境的安排



*China and Canada  
Working Together*  
中国和加拿大共同工作

PROTECTION

SERVICE

INTÉGRITÉ

PROTECTION • SERVICE • INTEGRITY

Canada



# BACKGROUND 背景

- The CBSA views *Readmission Arrangements* as a valuable tool to ensure a successful and co-operative relationship with International Partners 边境服务局（以下简称CBSA）视再入境安排为重要有用的工具，能确保与国际伙伴建立成功和合作性的关系
- *Readmission Arrangements* clearly define roles and responsibilities for the application of removal travel documents, processing times and repatriation “再入境安排”为遣返旅行证件的申请、处理时间和遣返中的职责和责任做出明确定义
- The Government of Canada agenda is focused on the timely and cost effective removal of inadmissible persons from Canada. 加拿大政府日程的聚焦点是即时并符合成本效益地将不具备入境资格的人从加拿大遣返回国。



# CHALLENGES 挑战

- China has proposed the development of a very broad and far ranging information sharing agreement 中国提出制定一个非常宽大和广泛的信息分享协议
- The CBSA is unable to enter into the proposed China arrangement due to Canadian Legislative Restrictions 鉴于加拿大立法因素的限制，CBSA不能加入中国提出的安排
- The CBSA recognizes challenges faced by China in verifying identity – (mobile population, lack of identity documents, existing workload) CBSA认识到中国在身份验证 - （流动人口、缺乏身份证件、现有工作量）中面临的挑战



# Current Snapshot 目前的主要数据

<b>Criminality</b>	<b>32</b>	<b>25</b>	<b>18</b>	<b>40</b>	<b>32</b>	<b>38</b>	<b>21</b>
<b>No criminality</b>	<b>238</b>	<b>329</b>	<b>272</b>	<b>335</b>	<b>377</b>	<b>444</b>	<b>271</b>
<b>Total removals</b>	<b>270</b>	<b>354</b>	<b>290</b>	<b>375</b>	<b>409</b>	<b>482</b>	<b>292</b>

<b>China</b>	<b>Working Inventory</b>	<b>Outstanding Applications</b>	<b>AWAITING TD</b>	<b>TOTAL APPs</b>
<b>Cases</b>	<b>2,143</b>	<b>1,010</b>	<b>Beyond 7 years</b>	<b>62</b>
			<b>5-7 years</b>	<b>157</b>
			<b>3-5 years</b>	<b>402</b>
			<b>1-3 years</b>	<b>361</b>
			<b>&gt; 1 year</b>	<b>28</b>





## Proposed Strategy提出的韬略

- Placement of CBSA Temporary Duty Officer in Beijing在北京设CBSA临时责任官
- The CBSA is prepared to engage other Government of Canada agencies to identify areas of mutual cooperation that may be included in an arrangement CBSA准备让加拿大政府其它部门参与，以便找出在安排方面相互合作的领域
- Canadian Commitment to the thorough Review and Investigation of China – Fugitive Lists加拿大承诺对中国潜逃犯名单做出彻底的审核和调查
- Potential Establishment of a CBSA Removals Liaison Office in Beijing, China有可能在中国北京建立CBSA遣返办公室



# Targeted Timeframe 拟定的时间框架

- Target Sign-off – Early 2015      目标签署时间 – 2015





# Comments / Questions?

## 评论/问题?

**Agreement Between the Government of the  
People's Republic of China and the Government of  
Canada Regarding the Sharing and Return of  
Forfeited Assets  
~~and the Return of Property~~**

The Government of the People's Republic of China and the Government of Canada, hereinafter referred to as "the Parties",

On the basis of mutual respect for sovereignty, equality, and mutual benefit;

Desiring to further promote co-operation within the framework of the *Treaty between the People's Republic of China and Canada on Mutual Legal Assistance in Criminal Matters*;

Desiring to enhance investigations and prosecutions in relation to the tracing, freezing, seizure, and forfeiture of proceeds of crime; and

Desiring also to create a framework for the sharing of assets and to reinforce the existing mechanisms under the *Treaty ~~Between the People's Republic of China and Canada on Mutual Legal Assistance in Criminal Matters~~* for the return of assets ~~property~~ to the lawful owners;

Have agreed as follows:

**Article 1      Interpretation**

In this Agreement,

(a) "forfeiture" means any procedure under domestic law resulting: i) in the case of the People's Republic of China, in a judgement or decision by a court ordering forfeiture of assets related to crime;

and

ii) in the case of Canada, in an order of forfeiture of assets related to crime or an order for the payment of funds equivalent to a forfeiture made on behalf of Her Majesty the Queen in right of Canada;

(b) "co-operation" means any assistance, including intelligence, operational, legal, or judicial assistance that is given by one Party and that has contributed to, or facilitated, forfeiture in the territory of the other Party;

(c) "assets" means assets that are in the possession of a Party, and include:

(i) the net proceeds realized as a result of forfeiture



after deduction of the costs of realization; and.

(ii)

(d) ~~"property" means any assets property that are located in the territory of the Requested Party, that were unlawfully obtained from the lawful owner who is located in the Requesting Party, that is located in the territory of the Requested Party and that are~~ subject to a final court order of forfeiture issued by a court of either Party;

(de) a "final court order of forfeiture" includes any order of a court permanently depriving a convicted person of unlawfully obtained assets property;

(ef) "Holding Party" means the Party in possession of assets as defined in sub-paragraph (c)(ii);

(fe) "Co-operating Party" means the Party that provides co-operation to the Holding Party;

(gh) "Requesting Party" ~~means the Party that makes a request in accordance with Article 3 of this Agreement;~~

(hi) "Requested Party" means the Party that receives a request in accordance with Article 3 of this Agreement.

## Article 2 ~~Scope of Application~~

1. The Requested Party may return assets as defined in sub-paragraph (c)(ii) of Article 1 ~~property~~ to the requesting Party in accordance with the Requested party's domestic law and in accordance with Article 17 of the *Treaty Between Canada and the People's Republic of China on Mutual Legal Assistance in Criminal Matters*, when the lawful ownership of assets property has been established by a final judgment in the court of the Requested Party.

2. In any case in which a Holding Party is in possession of forfeited assets, the Holding Party may, at its discretion and in accordance with its domestic law, share those assets with the Co-operating Party.

3. This ~~a~~Agreement does not create a right for private persons to seek the sharing of forfeited assets, or equivalent funds.

## Article 3 ~~Requests for Return of Assets Property~~

1. Pursuant to paragraph 1 of Article 2 of this Agreement, either Party may make a request to the other Party for the return of assets~~property~~.

2. The request referred to in paragraph 1 shall:

(a) clearly identify the assets~~property~~;

(b) provide clear evidence of lawful ownership of the assets~~property~~; and

(c) provide evidence that the assets~~property~~ ~~are~~is the subject of a final court order of forfeiture recognized by both Parties in accordance with the domestic law of each Party.

3. The Requested Party shall discuss with the Requesting Party the progress of the request.

4. All requests shall be translated into one of the official languages of the Requested Party.

5. If ~~the~~ Requested Party considers that the information contained in the request is not sufficient to enable it to execute the request, it may request that the Requesting Party furnish additional information.

#### **Article 4 ~~\_\_\_\_\_~~ Return of Assets~~Property~~**

If assets~~property~~ ~~are~~is returned following a request made pursuant to Article 3 of this Agreement, ~~they~~ ~~it~~ shall be transferred to the lawful owner.

#### **Article 5 ~~\_\_\_\_\_~~ Requests for Asset Sharing**

1. A Co-operating Party may make a request for asset sharing in accordance with the provisions of this Agreement.

2. A request made under paragraph 1 shall set out the circumstances of the co-operation to which it relates, and shall include sufficient details to enable the Holding Party to identify the case, the assets, and the agency or agencies involved.

3. On receipt of a request for asset sharing made in accordance with this Article, the Holding Party shall:

(a) consider whether to share assets as set out in Paragraph 2 of Article 2 of this Agreement;

(b) discuss in a timely manner with the Co-operating Party whether to share the relevant assets, and inform the Co-operating Party of the progress of the request; and

(c) inform the Co-operating Party of the decision on the request.

4. If the Holding Party considers that the information contained in the request is not sufficient to enable it to share the forfeited assets with the Co-operating Party, it may request that the Co-operating Party furnish additional information.

#### **Article 6 \_\_\_\_\_ Allocation of Shares**

If the Holding Party proposes to share assets with the Co-operating Party, the Holding Party shall:

(a) determine, at its discretion and in accordance with its domestic law, after consultation with the Co-operating Party, the proportion of the assets to be shared that, in its view, represents the extent of the co-operation given by the Co-operating Party, and

(b) pay a sum equivalent to that proportion to the Co-operating Party, in accordance with Article 7 of this Agreement.

#### **Article 7 Payment of Shared Assets**

1. \_\_\_\_\_ Any sum paid pursuant to Article 6(b) of this Agreement shall be paid:

(a) in the currency of the Holding Party, and

(b) by means of an electronic funds transfer or cheque, unless the Parties decide otherwise.

2. Payment of the sum shall be made:

(a) if Canada is the Co-operating Party: to the Receiver General of Canada (Proceeds Account), and sent to the Director of the Seized Property Management Directorate, and

(b) if the People's Republic of China is the Co-operating Party: to the Central Fiscal Special Account for non-tax Payment of the Ministry of Justice, and sent to the Central Treasury;

or to such other recipient or recipients as the Co-operating Party may from time to time specify by notification for the purposes of this Article.

### **Article 8 — Imposition of Conditions**

1. ~~1.~~—If the Holding Party pays a sum pursuant to Article 6(b) of this Agreement, it may not impose on the Co-operating Party any conditions as to the use of that sum and, in particular, may not require the Co-operating Party to share the sum with any other state, government, agency, organization, or individual.
- ~~2. 2.~~—The Requested Party or Holding Party waives all rights and interest in the transferred ~~property or~~ assets, and assumes no liability or responsibility for such ~~property or~~ assets once they have been transferred.

### **Article 9 Channels of Communication**

Unless otherwise indicated in this Agreement, all communications between the Parties pursuant to this Agreement shall be conducted as specified in Article 3 of the *Treaty Between Canada and the People's Republic of China on Mutual Legal Assistance in Criminal Matters* or by any other nominee that the Parties may from time to time for their own part specify by notification.

### **Article 10 Other Assistance**

This Agreement shall not affect any obligation undertaken by either Party under other treaties or agreements, and does not prevent either Party from cooperating with or providing assistance to the other Party under other treaties or agreements.

### **Article 11 Final Provisions**

1. Each Party shall inform the other Party, by diplomatic note once it has completed its internal procedures required for the entry into force of this Agreement. This Agreement enters into force on the thirtieth day after the date of the latter diplomatic note.
2. The Parties may agree, in writing, to amend this Agreement. An amendment shall enter into force in accordance with the procedure described in paragraph 1. An amendment shall constitute an integral part of

this Agreement.

3. Either Party may terminate this Agreement at any time by notice in writing to the other Party through diplomatic channels. This Agreement terminates on the one hundred and eightieth (180) day after the date of that notice.

4. This Agreement applies to any requests submitted after its entry into force even if the acts to which the request relates occurred before this Agreement enters into force.

In witness whereof the undersigned, being duly authorized by their respective governments, have signed this Agreement.

Done in duplicate at [specify], this [specify] day of [specify], 20[specify], in the Chinese, English and French languages, each text being equally authentic.

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For the Government of  
The People's Republic of China

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For the Government of Canada

Fifth China-Canada Consultations on Judicial  
and Law Enforcement Cooperation  
Beijing, September 22-23, 2014  
Chinese Delegation List

Head of Delegation:

Hugh Adsett, Deputy Legal Adviser and Director General - Department of Foreign Affairs, Trade, and Development

Members of Delegation:

Janet Henchey, Director General and Senior General Counsel - Department of Justice

Sarah Taylor, Minister and Deputy Head of Mission - Embassy of Canada in Beijing

Donald Cochrane, Minister Counsellor (Immigration) – Embassy of Canada in Beijing

Jennie Chen, Counsellor (Political) - Embassy of Canada in Beijing

Joselito Sia, Second Secretary and Vice-Consul (Political), Embassy of Canada in Beijing

Robert Ring, Royal Canadian Mounted Police Liaison Officer – Embassy of Canada in Beijing

James Martin, Canada Border Service Agency Liaison Officer – Embassy of Canada in Beijing

## **Canadian Delegation – Legal and Judicial Consultations**

### **Monday Sept 22**

- 08:30 Embassy to MFA  
Minivan164 Adsett, Henchey, Taylor, Cochrane, Chen, Sia, Martin, Ring, interpreter
- 11:00 MFA to Embassy  
Minivan164 Cochrane
- 17:00 MFA to Swissotel to Embassy  
Minivan164 Adsett, Henchey, Taylor, Chen, Sia, Martin, Ring, (interpreter )
- 18:00 Embassy to Swissotel to Dinner Location (TBC)  
Minivan164 Adsett, Henchey, Taylor, Sia, Martin, Ring

### **Tuesday Sept 23**

- 08:15 Embassy to Swissotel to pick-up Adsett and Henchey  
Minivan164 Taylor, Sia, Martin, Ring, interpreter
- 08:30 Swissotel to MFA  
Minivan164 Adsett, Henchey, Taylor, Sia, Martin, Ring, interpreter
- 10:15 MFA to Embassy  
Minivan164 Taylor
- 11:30 MFA to Embassy  
Minivan164 Ring
- 15:15 MFA to Embassy  
Minivan164 Adsett, Henchey, Sia, Martin, (interpreter)

0001 - Released under the Access to Information Act  
0001 - Divulgué en vertu de la loi sur l'accès à l'information

## **Accord entre le gouvernement de la République populaire de Chine et le gouvernement du Canada sur le partage et la restitution de biens confisqués**

Le gouvernement de la République populaire de Chine et le gouvernement du Canada, ci-après appelés « les Parties »,

Sur le fondement du respect mutuel de la souveraineté, de l'égalité et des avantages mutuels;

Souhaitant promouvoir davantage la collaboration dans le cadre du *Traité d'entraide judiciaire en matière pénale entre la République populaire de Chine et le Canada*;

Souhaitant renforcer les enquêtes et les poursuites en matière de dépistage, de blocage, de saisie et de confiscation des produits de la criminalité;

Souhaitant également élaborer un cadre de travail pour le partage de biens et renforcer les mécanismes existants prévus par le *Traité d'entraide judiciaire en matière pénale entre la République populaire de Chine et le Canada* aux fins de la restitution de biens aux propriétaires légitimes,

Sont convenus de ce qui suit :

### **Article premier Interprétation**

Dans le présent accord :

- a) « confiscation » désigne toute procédure prise en application du droit interne ayant pour résultat :
  - i) dans le cas de la République populaire de Chine, un jugement ou une décision d'un tribunal qui ordonne la confiscation de biens liés à la criminalité,



ii) dans le cas du Canada, une ordonnance de confiscation de biens liés à la criminalité ou une ordonnance de paiement des sommes d'argent équivalentes à une confiscation, rendue au nom de Sa Majesté la Reine du chef du Canada;

b) « collaboration » désigne toute entraide, y compris l'entraide en matière de renseignement, l'entraide opérationnelle, l'entraide juridique et l'entraide judiciaire, qui a été fournie par une Partie et qui a favorisé ou facilité une confiscation sur le territoire de l'autre Partie;

c) « biens » désigne des biens qui sont en la possession d'une Partie, et comprend :

- i) le produit net réalisé à la suite d'une confiscation, après déduction des coûts de réalisation;
- ii) les biens qui sont situés sur le territoire de la Partie requise, qui ont été illégalement obtenus du propriétaire légitime qui est situé sur le territoire de la Partie requérante, et qui sont assujettis à une ordonnance judiciaire définitive de confiscation rendue par un tribunal de l'une des Parties;

d) « ordonnance judiciaire définitive de confiscation » comprend toute ordonnance d'un tribunal en vertu de laquelle une personne déclarée coupable est dépossédée de manière permanente de biens obtenus illégalement;

e) « Partie détentrice » désigne la Partie en possession de biens comme ils sont définis à l'alinéa c)ii);

f) « Partie collaboratrice » désigne la Partie qui apporte sa collaboration à la Partie détentrice;

g) « Partie requérante » désigne la Partie qui présente une demande en application de l'article 3 du présent accord;

h) « Partie requise » désigne la Partie qui reçoit une demande en application de l'article 3 du présent accord.

## **Article 2      Champ d'application**

1. La Partie requise peut restituer des biens comme ils sont définis à l'alinéa c)ii) de l'article 1 à la Partie requérante, en conformité avec le droit interne de la Partie requise et l'article 17 du *Traité d'entraide judiciaire en matière pénale entre la République populaire de Chine et le Canada*, lorsque la propriété légitime des biens a été établie par jugement définitif d'un tribunal de la Partie requise.
2. La Partie détentrice, dans les cas où elle est en possession de biens confisqués, peut à son gré et en conformité avec son droit interne partager ces biens avec la Partie collaboratrice.
3. Le présent accord ne crée pas pour des personnes privées quelque droit de demander le partage de biens confisqués ou des sommes d'argent équivalentes.

### **Article 3 Demandes de restitution de biens**

1. Conformément au paragraphe 1 de l'article 2 du présent accord, une Partie peut présenter à l'autre Partie une demande de restitution de biens.
2. La demande visée au paragraphe 1 :
  - a) décrit clairement les biens;
  - b) fournit des éléments de preuve établissant clairement la propriété légitime des biens;
  - c) fournit des éléments de preuve établissant que les biens sont assujettis à une ordonnance judiciaire définitive de confiscation reconnue par les deux Parties en conformité avec le droit interne de chacune d'elles.
3. La Partie requise discute avec la Partie requérante de l'évolution de la demande.

4. Toutes les demandes sont traduites dans une des langues officielles de la Partie requise.

5. La Partie requise qui estime que les renseignements contenus dans la demande ne sont pas suffisants pour lui permettre de donner suite à la demande peut demander que la Partie requérante fournisse des renseignements supplémentaires.

#### **Article 4      Restitution de biens**

Les biens qui sont restitués à la suite d'une demande présentée en application de l'article 3 du présent accord sont transférés au propriétaire légitime.

#### **Article 5      Demandes de partage de biens**

1. Une Partie collaboratrice peut présenter une demande de partage de biens conformément aux dispositions du présent accord.

2. Une demande présentée en application du paragraphe 1 énonce les circonstances de la collaboration visée par la demande, et comprend suffisamment de détails pour permettre à la Partie détentrice de déterminer l'affaire, les biens et les organismes concernés.

3. À la réception d'une demande de partage de biens présentée en conformité avec le présent article, la Partie détentrice :

a) examine la question de savoir s'il y a lieu de partager les biens selon ce qu'énonce le paragraphe 2 de l'article 2 du présent accord;

b) discute en temps opportun avec la Partie collaboratrice de la question de savoir s'il y a lieu de partager les biens visés, et l'informe de l'évolution de la demande;

c) informe la Partie collaboratrice de la décision concernant la demande.

4. La Partie détentrice qui estime que les renseignements contenus dans la

demande ne sont pas suffisants pour lui permettre de partager les biens confisqués avec la Partie collaboratrice peut demander à la Partie collaboratrice de fournir des renseignements supplémentaires.

## **Article 6 Détermination des parts**

La Partie détentrice qui propose de partager des biens avec la Partie collaboratrice :

- a) d'une part, détermine à son gré et en conformité avec son droit interne, après consultation avec la Partie collaboratrice, la proportion des biens à partager qui, selon elle, correspond à l'étendue de la collaboration fournie par la Partie collaboratrice ;
- b) d'autre part, paie à la Partie collaboratrice une somme d'argent équivalente à cette proportion, conformément à l'article 7 du présent accord.

## **Article 7 Paiement des biens partagés**

1. Toute somme d'argent versée en application de l'article 6b) du présent accord est versée :
  - a) d'une part, dans la monnaie de la Partie détentrice;
  - b) d'autre part, par voie de transfert électronique de fonds ou par chèque, à moins que les Parties en décident autrement.
2. Le versement de la somme d'argent est effectué de la manière suivante :
  - a) dans le cas où le Canada est la Partie collaboratrice : au Receveur général du Canada (Compte des biens saisis), et est

envoyé au directeur de la Direction de la gestion des biens saisis ;

b) dans le cas où la République populaire de Chine est la Partie collaboratrice : dans le compte central financier particulier des paiements non fiscaux du ministère de la Justice, et est envoyé au Trésor,

ou à tout autre bénéficiaire désigné par la Partie collaboratrice au moyen d'une notification transmise aux fins de l'application du présent article.

#### **Article 8 Imposition des conditions**

1. La Partie détentrice qui verse une somme d'argent en application de l'article 6b) du présent accord ne peut imposer de conditions à la Partie collaboratrice quant à l'utilisation de cette somme d'argent et, plus particulièrement, ne peut exiger de la Partie collaboratrice qu'elle partage cette somme d'argent avec quelque autre État, gouvernement, organisme, organisation ou personne.

2. La Partie requise ou la Partie détentrice renonce à tous les droits et intérêts sur les biens transférés, et n'assume à l'égard de ces biens aucune responsabilité après leur transfert.

#### **Article 9 Voies de communication**

Sauf indication contraire dans le présent accord, toutes les communications entre les Parties au titre du présent accord sont effectuées selon ce qui est prévu à l'article 3 du *Traité d'entraide judiciaire en matière pénale entre la République populaire de Chine et le Canada*, ou par l'intermédiaire de tout autre représentant que les Parties peuvent préciser au moyen d'une notification.

#### **Article 10 Autres formes d'entraide**

Le présent accord n'a pas d'incidence sur les obligations contractées par l'une ou l'autre des Parties en vertu d'autres traités ou accords, et n'empêche pas une Partie de collaborer avec l'autre Partie sous le régime d'autres traités ou accords, ou de lui fournir une entraide sous ce régime.

## **Article 11 Dispositions finales**

1. Chacune des Parties informe l'autre Partie, par note diplomatique, de l'achèvement de ses procédures internes nécessaires pour l'entrée en vigueur du présent accord. Le présent accord entre en vigueur le trentième jour suivant la date de la dernière note diplomatique.
2. Les Parties peuvent convenir, par écrit, d'amender le présent accord. Un amendement entre en vigueur conformément à la procédure décrite au paragraphe 1. Un amendement fait partie intégrante du présent accord.
3. Une Partie peut dénoncer le présent accord en tout temps au moyen d'un avis écrit transmis à l'autre Partie par voie diplomatique. Le présent accord prend fin le cent quatre-vingtième jour (180) suivant la date de cet avis.
4. Le présent accord s'applique à toute demande présentée après son entrée en vigueur, même si les actes visés par la demande se sont produits avant l'entrée en vigueur du présent accord.

En foi de quoi les soussignés, dûment autorisés par leur gouvernement respectif, ont signé le présent accord.

Fait en double exemplaire à [préciser], ce [préciser] jour de [préciser], 20[préciser], en langues française, anglaise et chinoise, chaque version faisant également foi.

Pour le gouvernement de la  
République populaire de Chine

Pour le gouvernement du Canada

## **Agenda**

**(Draft)**

### Monday, Sep.22nd

09:00-09:15    Remarks by head of Chinese Delegation

                  Remarks by head of Canadian Delegation

09:15-11:00    Topic 1: Brief on the two sides' judicial system

                  1) Presentation by Chinese side (the third plenum judicial reform)

                  2) Presentation by the Canadian side (the procedure of treaty ratification, the newly amended "anti-Terrorism Act" and "Immigration and Refugee Protection Act")

11:00-12:00    Topic 2: Assets Recovery and Sharing

                  1) Update on the preparation for signature of the asset sharing agreement

                  2) China's law on asset recovery

12:30-13:30    Lunch

14:00-15:00    Topic 2 (Continued)

                  3) Canada's asset recovery guide

15:00-17:00    Extradition and Repatriation

                  1) cases of fugitives

2) conclusion of the extradition treaty

3) Readmission arrangement

18:30- Dinner hosted by the head of Chinese delegation

Tuesday, Sep. 23rd

09:00-10:15 Topic 4: Planing of future cooperation

10:30-11:30 Other topics

(Including case of Kim IL Soo, consulted by selected  
delegates)

12:00-13:30 Lunch

14:00-14:30 Discussion on the Minutes

15:00- Minutes signature



## **ARRANGEMENT BETWEEN THE GOVERNMENT OF CANADA AND THE PEOPLE'S REPUBLIC OF CHINA FOR THE REMOVAL FROM CANADA OF CHINESE CITIZENS**

The Government of the People's Republic of China and the Government of Canada, hereinafter referred to as the "Participants",

Desiring to further enhance their cooperation based on respect of sovereignty and in the spirit of mutual understanding,

Recognizing that removal of a foreign citizen is by its nature an involuntary procedure,

Acknowledging that the establishment of an orderly process for the timely removal from Canada of inadmissible citizens of the People's Republic of China is in the best interest of both countries,

Wishing to give due respect to the dignity of the individual being removed,

Wishing to remove citizens of the People's Republic of China who have violated Canadian law and are under a removal order from Canada when no legislative stays apply,

Acknowledging that mutual cooperation in removing inadmissible citizens of the People's Republic of China in Canada will assist in combatting irregular migration,

Have come to the following understanding:

### **1. GENERAL PRINCIPLES**

- (a) The Government of the People's Republic of China will accept the return to China of Chinese Citizens who have violated Canadian law and are subject to an effective removal order from Canada, by issuing to them, in a timely fashion, the necessary travel documents to facilitate their repatriation to the People's Republic of China.
- (b) The Participants will cooperate in determining the citizenship of an individual subject to removal when the individual claims to be stateless or when the individual is uncooperative in a deliberate attempt to avoid being removed from Canada.
- (c) The Participants will cooperate in combatting irregular migration by mutually agreeing to exchange immigration information which aligns with their respective national legislations.

### **2. REMOVAL**

- (a) When the Government of the People's Republic of China determines the citizenship of the person subject to removal, the Participants will decide on removal on a case by case basis, subject to the following conditions:
  - (i) that the person has been issued an effective removal order by the Government of Canada ;
  - (ii) that the Government of Canada has first granted the person an opportunity to reasonably take care of personal matters and make necessary arrangements for the transfer of assets acquired lawfully in Canada;
  - (iii) that the person sentenced to a period of imprisonment in Canada has first completed his/her sentence, or is fully paroled in accordance with Canadian law, or is authorized to be removed from Canada by the designated jurisdictional Canadian authority;
- (b) the Government of Canada may submit to the designated Embassy or Consulate of the People's Republic of China in Canada an application for a removal travel document no more than XX months prior to the release from detention of an inadmissible Chinese citizen who is subject to an executable removal order.
- (c) When the Chinese citizen is subject to a removal order due to criminality, the Government of Canada will provide XX calendar days notification of the removal to the Government of the People's Republic of China.

### **3. PROCEDURES**

- (a) Once it has been determined that the conditions under s.2 of this Arrangement have been met, the Government of Canada will send a written request to the designated Embassy or Consulate of the People's Republic of China in Canada for the acceptance of this person.
- (b) The Government of Canada will ensure that the request includes a certified copy of the removal order, and other relevant available documentation relating to the identity of the person.
- (c) The Government of the People's Republic of China will examine and determine the authenticity of all available documentation relating to the identity of the person prior to the issuance of a travel document.
- (d) The Participants understand that:
  - (i) Within a period of XX calendar days from the date of receipt of the request and available documentation, the responsible Embassy or Consulate of the People's Republic of China in Canada will provide a written response to the competent authority of the Government of Canada advising whether or not the person under removal order will be issued a travel document for return to China.

- (ii) Within a period of XX calendar days from the date of receipt of the request and photocopied documentation, the responsible Embassy or Consulate of the People's Republic of China in Canada will provide a written response to the competent authority of the Government of Canada advising whether or not the person under removal order will be accepted for return to China.
- (iii) When documentation is not available to confirm identity and if required, the competent authority of the Government of Canada will arrange for a representative of the Embassy or Consulate of the People's Republic of China in Canada to conduct a telephone interview with the person under removal order from Canada, and to assist in providing all relevant information concerning the person, in particular the person's identity, citizenship, country of last permanent residence and family configuration.
- (iv) In exceptional circumstances where a telephone interview is not sufficient to confirm identity, the competent authority of the Government of Canada will make every effort to arrange for the representative of the Embassy or Consulate of the People's Republic of China in Canada to conduct an in-person interview or a second telephone interview with the person subject to a removal order from Canada.
- (v) The competent authority of the Government of the People's Republic of China will be in charge of making the necessary travel to conduct the interview, including conducting the interview at a designated detention facility.
- (vi) Within a period of XX calendar days from the date of the telephone interview or the in-person interview between the competent authority of the Government of the People's Republic of China and the person under removal order from Canada, the responsible Embassy or Consulate of the People's Republic of China in Canada will provide a written response to the competent authority of the Government of Canada advising whether or not the person under removal order will be accepted for return.
- (vii) Responses advising that the person has been accepted for repatriation will include a single journey travel document valid for three months, providing all other required documents identified in Annex A have been submitted to the Embassy or Consulate of the People's Republic of China in Canada.
- (viii) Responses advising that the person has not been accepted for repatriation will clearly state the reasons for the refusal in accordance with the principles, terms, and conditions set out in this Arrangement. In special cases, and at the request of the Government of the People's Republic of China, a mutually acceptable extension of time will be mutually decided upon by officials of the two Participants.

- (ix) Upon receipt of notification of acceptance for removal, the competent authority of the Government of Canada will make appropriate air transportation arrangements for the person being removed from Canada as soon as possible with a limit of five persons per commercial flight, except when charter flights are employed.
- (x) The competent authority of the Government of Canada will submit written notification, within a minimum of seven days advance notice, to the Embassy or Consulate of the People's Republic of China in Canada, as well as the Government of the People's Republic of China, details respecting the itinerary, air carrier, flight number, escort officer name and passport information (if applicable) and travel document number of the person being removed.
- (xi) When necessary, the competent authority of the Government of Canada will ensure that appropriate officials escort a person being removed until such time as that person can be delivered to the custody of authorized officials of the Government of the People's Republic of China. The name and passport information of escort officials will be included in the notification under paragraph 3(d)(x).
- (xii) The Government of the People's Republic of China will give Canadian escort officers, in the performance of their duties, admission to the People's Republic of China provided the Chinese Immigration Authorities have been given proper advance notification.
- (xiii) In the event of any changes in departure time, or flight schedule, the competent authority of the Government of Canada will immediately inform the responsible authorities of the Embassy or Consulate of the People's Republic of China in Canada and the Government of the People's Republic of China, by providing the revised removal itinerary.

#### **4. Differences in interpretation and application**

The Participants will resolve any differences in the interpretation or application of this Arrangement through consultations through diplomatic channels.

#### **5. Information**

- (a) The Participants understand that the information shared between them under this Arrangement is privileged, confidential, and will be protected by the respective national legislations.

- (b) The Participants will only use this information for the purpose of facilitating the return of Chinese Citizens or to administer Canada's immigration legislation.

## **6. Final Dispositions**

- (a) This Arrangement will come into effect on the date of its last signature by the Participants.
- (b) The Participants will review this Arrangement every five years.
- (c) The Participants may amend this Arrangement upon their mutual consent in writing.
- (d) A Participant may terminate this Arrangement unilaterally in the event of non-compliance with the use of the information shared under this Arrangement.
- (e) A Participant may terminate this Arrangement by giving six months' written notice to the other Participant to be calculated from the date of the notice.

Signed in duplicate at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ in the English and Chinese languages, all versions being equally valid.

\_\_\_\_\_  
For the Government of Canada

\_\_\_\_\_  
For the Government of the People's Republic of China

## ANNEX A – INFORMATION AND DOCUMENTS

The Government of Canada will endeavor to provide the following information and documents when submitting an application for a travel document to the designated Embassy or Consulate of the People's Republic of China in Canada.

- a. The individual's complete name, date of birth, place of birth, and any other relevant particulars such as education and/or employment history.
- b. The names, places and dates of birth, and present and/or past address of parents and/or siblings.
- c. The individual's last place of residence in the country of citizenship.
- d. The individual's date of arrival in Canada.
- e. A certified copy of the removal order issued against the individual. When the removal order is based on criminality, details of known convictions are to be provided.
- f. Health information, if necessary, to ensure the safety of the Chinese Citizen being removed and the safety of the Chinese public.
- g. Two to four passport-sized photographs, one to be certified on the reverse by the designated Government of Canada representative to the effect that it is a true likeness of the individual concerned.
- h. Four samples of the individual's signature.
- i. A Certified Cheque or Money order for the applicable fees made payable to the "XX", along with a prepaid return envelope for return of documents. The return address must be clearly printed on the aforementioned envelope.
- j. All identification documents, such as an expired passport, seaman's identity card, birth or baptismal certificate, laissez-passer, or other books or documents that might help in establishing the citizenship of the individual concerned.
- k. Any other relevant file information as the Participants may decide upon.



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# Removing Chinese Fugitives

June 2014

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## The law

- the *Immigration and Refugee Protection Act* says who is inadmissible to Canada
- Inadmissible persons include:
  - those who are a risk to national security (terrorists, human rights violators, war criminals and those involved in organized crime)
  - criminals (convicted in Canada or charged abroad)
  - others (overstays, immigrants without visas, illegal workers and students, health concerns, unable to support themselves, failed refugee claimants)





## Removal process

- A person may be found inadmissible (criminality, threats to national security, involvement in organized crime, crimes against humanity, war crimes, overstay, inability to support oneself, health reasons, other non compliance)
- For simple allegations, the CBSA can find the person inadmissible and issue a removal order
- For complex allegations, the IRB holds a hearing, finds the person inadmissible and issues a removal order
- Prior to removal, every person is entitled to a risk assessment – through a refugee claim, pre-removal risk assessment (PRRA) or an application for permanent residence. In cases involving serious inadmissibilities, the PRRA only assesses risk of torture or death (limited PRRA). Sometimes assurances from the country to which the person is being removed must be obtained.
- The inadmissibility decision is reviewable by the IRB and the Federal Court. The PRRA decision is reviewable by the Federal Court, the Federal Court of Appeal and the Supreme Court.
- A travel document is obtained and removal arrangements are made
- The person is removed



## Refugee determination process

- Canada is signatory to the United Nations 1951 *Convention Relating to the Status of Refugees* and the 1967 *Protocol Relating to the Status of Refugees*
- Foreign nationals may make a refugee claim anytime before a removal order is issued
- Those who are national security threats, involved in human and international rights violations, organized crime and serious criminality, are ineligible to make refugee claims
- An independent tribunal, the Immigration and Refugee Board (IRB) determines if someone is a refugee
- Immigration legislation allows the IRB to take away someone's refugee status if it was obtained by misrepresentation
- A person found to be a refugee can be removed – if they are later found inadmissible for serious allegations, the Minister of Citizenship and Immigration Canada (CIC) must determine that their presence in Canada is a greater risk than being returned (danger opinion)
- The refugee determination decision and the danger opinion are reviewable by the Federal Court



## Refugee and inadmissibility hearings

- Quasi-judicial tribunal – like a criminal Court, but the standard of proof is “the balance of probability” rather than “beyond a reasonable doubt”
- The person has a right to counsel and an interpreter
- May be public
- The CBSA must disclose all the evidence it will use. The evidence can be challenged by the person concerned – who may make submissions, cross examine witnesses or call his/her own witnesses
- Hearings are recorded and transcripts can be produced
- Decisions are reviewable by the Federal Court, the Federal Court of Appeal and the Supreme Court of Canada



## Evidence for hearings

Evidence used for hearings varies from case to case and may include:

- Documentary evidence - which would require an official copy and translation of:
  - Text from the penal code for the offence
  - Text from the penal code for the punishment
  - The warrant for arrest
  - Police occurrence reports and any background information
  - Official Court judgements – transcripts are helpful
  - Witness impact statements
  - Official documents from correctional institutions - such as a psychologist's report
- Testimony - from a witness, an expert or the person concerned – in person or by phone (cross examination would follow)



## Challenges in removing fugitives

- The offence (charge or conviction) abroad must also be an offence in Canada for the person to be found inadmissible
- Access to the refugee determination process, appeals and Federal Court reviews delay removal
- Refugee determination, admissibility hearing, pre-removal risk assessments, danger opinions, Court challenges – all have long processing times
- Use of detention is only possible when: 1) identity is uncertain, 2) the person is a danger to the public or 3) when there is a flight risk
- Defendable evidence
- Canada has no extradition agreement with China
- Fugitives have a strong desire to remain in Canada and have the means to challenge decisions



## Lessons learned and opportunities

- Respect for due process
- Build a strong case to withstand Court challenges – evidence needs to be of good quality (defendable) and releasable (no evidence that cannot be shared with the person)
- Effective information sharing between the CBSA and MPS in preparing evidence
- Opportunity: enhance CBSA – MPS information sharing to 1) prevent fugitives from fleeing, 2) reduce transnational crime and 3) ongoing liaison and training and 4) data matching to identify fugitives



**Susan Kramer**

Inland Enforcement Operations and  
Case Management  
Canada Border Services Agency

(613) 952-2549  
[susan.kramer@cbsa.gc.ca](mailto:susan.kramer@cbsa.gc.ca)

## SECURITY

### INPUT FOR ANNOTATED AGENDA

#### 1. Canada/China Readmission Arrangement

##### **Objective:**

In an effort to resolve the challenge of obtaining travel documents from China, the Canada Border Services Agency (CBSA) is working to secure a viable Canada/China readmission arrangement. This proposed arrangement would seek to streamline the Agency's ability to secure removal travel documents from China, and enhance Canada's ability to remove inadmissible Chinese nationals in a timely and cost effective manner.

##### **Talking Points**

- **Canada is obligated by law to remove inadmissible foreign nationals as soon as possible. To do so, a valid travel document is required.**
- **Being able to remove people in a timely manner is important for Canada because it acts as a deterrent for others who may be inadmissible and allows us to maintain the integrity of the immigration system.**
- **A reluctance to issue travel documents is a concern for Canada, as without a valid travel document, Chinese nationals remain in Canada.**
- **Canada would be pleased to assist China in facilitating the issuance of travel documents.**

##### ***Defensive Lines – [Issue Title, e.g. "Visas issues"]***

- *talking points in italics*

##### **[Sub-topic heading, if any, e.g. "Joint S&T Cooperation Committee Meeting"]**

- **talking points**

#### **SUMMARY**

For many years, the CBSA has experienced significant difficulty in obtaining travel documents from China. The current process is often complicated and lengthy, which has contributed to a growing backlog of Chinese nationals in the CBSA removals inventory. In an effort to resolve this challenge, the CBSA will place a Temporary Duty (TD) Officer in Beijing, China, for a period of six months, with a possible extension of an additional six months. This TD placement will commence mid-August 2014.

The TD Officer will seek to engage key Chinese agencies and international partners who have established removal protocols with China, such as Five Country Conference members and Beijing-based European Union contacts, to increase the number of Chinese removals from Canada.





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# Developing a Readmission Arrangement 商定返 国再入境的安排

## *China and Canada Working Together 中 国和加拿大共同工作*

**Vancouver 2014 温哥华**



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## BACKGROUND 背景

- The CBSA views *Readmission Arrangements* as a valuable tool to ensure a successful and co-operative relationship with International Partners 边境服务局（以下简称CBSA）视再入境安排为重要有用的工具，能确保与国际伙伴建立成功和合作性的关系
- *Readmission Arrangements* clearly define roles and responsibilities for the application of removal travel documents, processing times and repatriation “再入境安排”为遣返旅行证件的申请、处理时间和遣返中的职责和责任做出明确定义
- The Government of Canada agenda is focused on the timely and cost effective removal of inadmissible persons from Canada. 加拿大政府日程的聚焦点是即时并符合成本效益地将不具备入境资格的人从加拿大遣返回国。



# CHALLENGES 挑战

- China has proposed the development of a very broad and far ranging information sharing agreement 中国提出制定一个非常宽大和广泛的信息分享协议
- The CBSA is unable to enter into the proposed China arrangement due to Canadian Legislative Restrictions 鉴于加拿大立法因素的限制，CBSA不能加入中国提出的安排
- The CBSA recognizes challenges faced by China in verifying identity – (mobile population, lack of identity documents, existing workload) CBSA认识到中国在身份验证 - （流动人口、缺乏身份证件、现有工作量）中面对的挑战



## Proposed Strategy 提出的策略

- Placement of CBSA Temporary Duty Officer in Beijing 在北京设 CBSA 临时责任官
- The CBSA is prepared to engage other Government of Canada agencies to identify areas of mutual cooperation that may be included in an arrangement CBSA 准备让加拿大政府其它部门参与，以便找出在安排方面相互合作的领域
- Canadian Commitment to the thorough Review and Investigation of China – Fugitive Lists 加拿大承诺对中国潜逃犯名单做出彻底的审核和调查
- Potential Establishment of a CBSA Removals Liaison Office in Beijing, China 有可能在中国北京建立 CBSA 遣返办公室





# Targeted Timeframe 拟定的时间框架

- CBSA TD Placement – *August 2014* 设立CBSA临时责任官 – 2014年8月
- Sharing of China Fugitive Lists – *September 2014* 合用中国潜逃犯名单 – 2014年9月
- Exchange of Desired Arrangement Clauses – *September 2014* 就所希望的安排条款交换意见 – 2014年9月
- Draft Document for Consideration – *November 2014* 供考虑所需的文件草案 – 2014年11月
- Target Sign-off – *February 2015* 目标签署时间 – 2015年2月



# Comments / Questions?

## 评论/问题?



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# Best Practices between the Canada Border Services Agency and the Ministry of Public Security 加拿大边境服务局 (以下简称CBSA) 和公安 部间最佳的实务

June 16, 2014

2014年6月16日

**Presented by:** 演讲人:  
**Director Yvette-Monique Gray 主任**  
**Enforcement & Intelligence Division,**  
**Pacific Region 太平洋地区执法和情报处**

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## Content

- Background
- Context of Cooperation
  - The Investigative Process
  - CBSA/MPS Collaboration
- Best Practices
  - Regional Meetings between the CBSA, MPS and Public Security Bureaus (PSB)
  - Translation of Documents and Evidence
  - Verification of documents
  - Witnesses at Hearings before the Immigration and Refugee Board (IRB)
  - Dedicated Enforcement Officers
  - Travel Documents and Removals
  - Negotiated Voluntary Return
- Next Steps





## Background背景

- Since 2011, the Pacific Region Enforcement & Intelligence Division has worked closely with the People's Republic of China (PRC) Ministry of Public Security (MPS) to ensure a strong relationship and mutually beneficial cooperation in investigations



## Context of Cooperation 合作背景

- The Canada Border Services Agency (CBSA) encounters fugitives from justice from the People's Republic of China (PRC) as they seek to obtain legal status in Canada as Convention Refugees, permanent residents and ultimately, Canadian Citizens
- When CBSA pursues admissibility allegations and removal from Canada, alleged fugitives may attempt to delay or avoid these processes through litigation and making refugee claims
- The CBSA has encountered a unique challenge with PRC economic fugitives in that many seem to have unlimited resources to delay removal



## Context – The Investigative Process

### 背景- 调查过程

- PRC fugitive cases come to the CBSA's attention through a variety of ways including tips, referrals from other law enforcement agencies, and Interpol Red Notices  
CBSA
- PRC law enforcement officers provide CBSA with essential evidence for investigations and subsequent hearings
- CBSA Enforcement Officers investigate these cases in order to determine whether there is sufficient evidence to write a report asserting that the individual is inadmissible to Canada



## Context – The Investigative Process

### 背景 – 调查过程

- CBSA Enforcement Officers determine whether the alleged criminal offence in the PRC would be a serious criminal offence if committed in Canada
- CBSA Hearings Officers develop a litigation strategy to argue the case on behalf of the CBSA's Minister of Public Safety in one or more of the divisions of the Immigration and Refugee Board (IRB)



## **Context – CBSA/MPS Collaboration**

### **背景 – CBSA/公安部的合作**

- In June 2011 CBSA Investigators from the Pacific Region met with Investigators from the MPS and the Shanghai Public Security Bureau (PSB) for a working level meeting in Vancouver
- Five specific cases were presented by the delegates from the PRC
- Following the meeting progress was noted in those cases in the form of additional documentary evidence relating being sent to CBSA via the Canadian Embassy, the negotiated voluntary return of a Chinese fugitive, and the start of negotiations with another Chinese fugitive



## **Context – CBSA/MPS Collaboration**

### **背景 – CBSA/公安部的合作**

- Progress was also noted on cases that were not specifically discussed at the meeting
- In turn, CBSA officers gave two presentations. The first compared the elements of theft and fraud in Canadian and PRC criminal law, and the second provided an overview of administrative tribunal hearings, court proceedings and the Minister's evidence



## Best Practices最佳实务

- The success of the 2011 Regional meeting led to further meetings being held in 2012 and
- Through this increased collaboration, the CBSA and the MPS have established a number of practices that have significantly benefited CBSA's ability to investigate Chinese fugitives and ultimately seek their removal from Canada to the PRC where they can face their outstanding criminal issues



## Best Practices最佳实务

- Regional Meetings between the CBSA, MPS and Chinese Police Officials
  - The Pacific Region Enforcement & Intelligence Division works with the MPS and PRC Embassy in Ottawa to organize regular meetings between Officers/Investigators and Executives of the CBSA, the MPS and regional Chinese Police Services
  - The meetings are an opportunity for the CBSA and Chinese counterparts to discuss ongoing or potential cases, provide investigative information and evidence for cases, as well as build relationships that can be utilized outside of the meetings for further collaboration





## Best Practices最佳实务

- Translation of Documents and Evidence
  - Prior to the engagement of the regional working group, the CBSA would receive large volumes of untranslated evidence
  - In many cases, the cost of translating the evidence was prohibitive and CBSA was unable to do so, which often meant an investigation could not be opened or completed
  - Since the working level meetings have been initiated, the PRC Embassy and MPS/PSB provide CBSA with translated, relevant documents that may be used in Investigations and disclosed at hearings before the Immigration and Refugee Board
  - This practice of providing both the Chinese version and a certified translation has greatly assisted CBSA in assessing and utilizing evidence
  - Examples of the evidence received include: Interpol Red Notices, Warrants for Arrest, Synopsis of Alleged Criminal Offence etc.



## Best Practices最佳实务

- Verification of documents
  - CBSA Officers primarily rely on documentary evidence provided by the MPS/PSB to prove that the subject of an investigation or the IRB hearing is a fugitive from justice in the PRC
  - To refute the CBSA's evidence, fugitives often disclose fraudulent documents alleged to have been issued in the PRC
  - The CBSA generally uses official channels to verify the authenticity of documents suspected of being fraudulent; for example, forwarding the documents to the Police Liaison Officers at the PRC Embassy in Ottawa



## Best Practices最佳实务

- Witnesses at Hearings before the Immigration and Refugee Board (IRB)
  - A process has been established in which police officials from China provide testimony at hearings before the IRB
  - Testimony from PRC officials may be crucial for the CBSA's case if the fugitive is challenging the validity of the police investigation e.g. by alleging false criminal charges
  - Due to the length of time required for examination and cross examination, the CBSA has found that it is most beneficial for the witness to appear in person at the hearing
  - This was used with success in the Lai case in 2001
  - In 2012 an Officer from the Shanghai PSB testified at a refugee hearing where the CBSA sought to have an individual excluded from the refugee process



- **Dedicated Enforcement Officers 尽职尽责的执法官员**
  - The CBSA endeavours to commit an Enforcement Officer to the PRC Fugitive Portfolio for a significant period of time in order for that individual to become familiar with the complexities of the cases, especially those involving economic fraud, and to ensure a relationship is built and maintained between the CBSA Investigator and his/her MPS/PSB
  - This has provided the MPS with a contact person in the Pacific Region who is an investigator, which has expedited information sharing and establishes expectations on both



- Travel Documents and Removals 旅行证件和遣返
  - In addition to the efforts made around Investigations and Hearings, the Pacific Region EID and the PRC Consulate in Vancouver have worked diligently to strengthen their relationship around obtaining travel documents and removing individuals
  - In this region, a single point of contact from the CBSA was identified to the PRC Consulate. Rather than having to field requests and inquiries from numerous officers, the PRC Consulate receives requests from one individual, and in turn can make requests for further information etc. to that same person



- Negotiated Voluntary Return 谈判达成的自愿回国
  - Alleged fugitives from justice from the PRC often use various legal options to delay their removal from Canada
  - The PRC Embassy in Ottawa has initiated a process to engage these alleged fugitives in negotiations for their voluntary return to the PRC
  - The CBSA and the PRC government have a mutual interest in removing these individuals who have been deemed inadmissible to Canada
  - The negotiations between the PRC government and its nationals in Canada can occur concurrently with the hearing process before the IRB or with the CBSA's removal process



## Negotiated Voluntary Return 谈判达成的自愿回国

- The CBSA cannot be a party to the negotiations, however can provide support upon request from either participant:
- CBSA can alter conditions of release to allow the subject to travel to participate
- CBSA may be able to facilitate the issuance visas for PRC officials who are coming to take part in the negotiations
- If required, can facilitate logistics at an airport to assist with the departure



## Next Steps 下面的步骤

- CBSA and the MPS can overcome the challenges of economic fugitive cases through the continued close cooperation between CBSA and PRC law enforcement officials on investigations, the transfer of evidentiary documents with translations signed by the translator, and MPS/PSB officials willing to appear as witnesses at IRB hearings
- In order to further the progress already made, a CBSA – MPS Memorandum of Understanding on Information Sharing will benefit our future relationship. For CBSA, this MOU will facilitate our regular communication with the Police Liaison Officers at the PRC Embassy





PROTECTED B

For action

**PROPOSAL FOR THE NEGOTIATION OF A MEMORANDUM OF  
UNDERSTANDING BETWEEN THE PEOPLES REPUBLIC OF CHINA BUREAU OF  
EXIT AND ENTRY ADMINISTRATION AND THE CANADA BORDER SERVICES  
AGENCY**

For the Associate Vice President

**PURPOSE**

To propose the opening of negotiations between the Peoples Republic of China (PRC) Ministry of Public Security (MPS) Bureau of Exit and Entry Administration (BEEA) and the Canada Border Services Agency (CBSA) for conducting identity interviews, in Canada, of deemed inadmissible Chinese nationals currently awaiting the issuance of removal travel documents from the Government of China.

**ISSUE**

For many years, the CBSA has experienced significant difficulty in obtaining removal travel documents from the PRC. The current process is often complicated and lengthy, which has contributed to a growing backlog of Chinese nationals in the CBSA removals inventory.

The CBSA placed a Temporary Duty (TD) officer in Beijing, China, for an initial period of six months, on September 11, 2014. This position's main responsibility is to directly enhance the Agency's capacity to engage key PRC agencies and international partners who have established removal protocols with China. Further, the TD is responsible for advancing the drafting and securing, in consultation with Canada and Chinese government representatives, of a *Canada/China Readmission Arrangement*.

As progress is made towards a readmission arrangement, it is proposed that the CBSA consider entering into parallel negotiations with the PRC BEEA for a Memorandum of Understanding (MoU). The proposed MoU would endorse the funding of BEEA immigration officials to conduct in-Canada identity interviews of inadmissible Chinese nationals, and produce recommendation reports for submission by the CBSA to Chinese embassy and consulate officials in support of applications for removal travel documents.

PROTECTED B

## BACKGROUND

Over the past three years, the CBSA has sought to establish a readmission arrangement on removals with the MPS of the PRC in order to efficiently obtain travel documents to effect the removal of PRC nationals from Canada.

Currently, the PRC is ranked number one in the CBSA removal inventory, comprising of approximately 2,200 Chinese nationals. China is a difficult and recalcitrant country from which to secure travel documents in support of the Agency's removal program. The CBSA has sought opportunities to engage China through such forums as the Canada-China Enforcement Working Group and the CBSA Overseas Liaison Network.

The CBSA has noted that Australia, the United Kingdom (UK), and soon the United States (US), will have successfully ratified BEEA MoUs with China (see Attachments 1 and 2). This level of cooperation has been further augmented by the placement of dedicated removal liaison officers from the aforementioned nations, based in China, and who effectively engage PRC government representatives and facilitate the removal to China of inadmissible persons.

## STATUS

The CBSA has held meetings with a broad range of Chinese government officials who represent the MPS, the Department of Justice (DoJ), and the Ministry of Foreign Affairs (MFA). Given the size and overlapping mandates within the PRC government ministry structure it has been important for the CBSA to engage a wide range of interlocutors. A draft readmission arrangement, to be used as a template to support negotiations, has been distributed to each key PRC agency.

The CBSA recently held a meeting with the PRC BEEA Division responsible for Chinese Citizens. It is the BEEA's view that China would welcome entering into a BEEA MoU with Canada. This proposed BEEA MoU would function separately from the proposed readmission arrangement that CBSA is currently negotiating with other Chinese agencies. Following discussions with Five Country Conference and European Union partners, and with BEEA representatives, another opportunity may be available for the CBSA to secure the timely and cost effective removal of inadmissible Chinese nationals.

The key component of all of the BEEA MoUs is the funding, by international governments, of BEEA officials to travel to host nations and conduct identity interviews of Chinese nationals awaiting removal travel documents (see Attachment 3).

The BEEA representatives provide detailed reports to the host government which in turn are presented to the Chinese missions in support of removal travel document applications. The UK advises that they are securing a 65%-70% travel document issuance rate through this mechanism.

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Based on the UK success rate, it is projected that up to 80 travel documents would be secured by the CBSA per trip (a total of 240 per year).

The Mission in Beijing indicates the BEEA is an operational division with effective enforcement relationships across China (see Attachment 4). A key advantage to directly engaging the BEEA is their broad access to a variety of Chinese identity databases. The UK and US advise that the BEEA has the ability to access biometric and facial recognition systems with information dating back approximately 20 years.

## NEXT STEPS

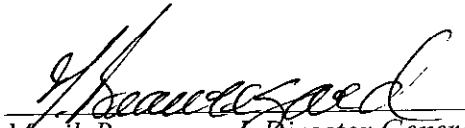
The BEEA have offered to share a MoU template with the CBSA for review and consideration. The BEEA advised that if the CBSA wishes to enter into a MoU they would be prepared to fast-track the process and have a letter of intent letter prepared for signature by the President of the CBSA during his anticipated trip to China in January 2015. ||

Given the strong and positive endorsement of the BEEA MoU process by international partners, and the potential to secure removal travel documents from China in a timely and cost effective manner, this may represent an opportunity for the CBSA. Several countries are now considering the expansion of their MoUs to include more BEEA officers per trip, and more trips per year.

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## RECOMMENDATION


I seek your endorsement to commence discussions with the BEEA, secure a MoU template and provide recommendations on specific content for the CBSA.

  
Monik Beauregard, Director General  
Enforcement and Intelligence Programs Directorate

## Associate Vice-President's Response

I approve: ☒

I do not approve: ☐

  
Peter D. Hill

19/12/14.  
Date:

## ATTACHMENTS

1. United Kingdom / Peoples Republic of China Memorandum of Understanding
2. United States / Peoples Republic of China Memorandum of Understanding (DRAFT)
3. Projected Costs
4. PRC Bureau of Exit and Entry Administration Mandate and Organizational Chart